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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY

Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of § 6.105 (d) is amended as set out below.

§ 6.105 *Department of the Army.* * * *
(d) *U. S. Military Academy, West Point, New York.* (1) Civilian professors, instructors, teachers (except teachers at the Children's School), hostesses, chapel organist and the choirmaster, librarian when filled by an officer of the Regular Army retired from active service, and military secretary to the Superintendent when filled by a Military Academy graduate retired as a regular commissioned officer for disability.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

(SEAL) WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-10305; Filed, Dec. 22, 1958; 8:47 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of § 6.112 (e) is amended as set out below.

§ 6.112 *Department of Commerce.*

(e) *National Bureau of Standards.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Bureau. Total employment under this provision may not exceed 20 positions at any one time, including those at the headquarters and at the Boulder, Colorado, Laboratories of the Bureau. Employment under this

This issue is divided into two parts bound together. Part II contains a republication of the regulations of the Agricultural Research Service, Department of Agriculture, Title 9, Chapter I, of the Code of Federal Regulations.

provision shall not exceed one year in any individual case; *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

(SEAL) WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-10306; Filed, Dec. 22, 1958; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

Subchapter A—Marketing Orders

[1015.302, Amdt. 3]

PART 1015—CUCUMBERS GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to Marketing Agreement No. 118 and Order No. 115 (7 CFR Part 1015) regulating the handling of cucumbers grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Florida Cucumber Committee, established pursuant to said Marketing Agreement and Order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

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SEMIANNUAL CFR SUPPLEMENT

(As of July 1, 1958)

The following semiannual cumulative pocket supplement is now available:

Title 46, Parts 146-149,
1958 Supplement 1 (\$1.00)

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(2) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment for 30 days or any other period beyond the date specified (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of cucumbers, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted under the circumstances for such preparation, (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (vi) this amendment relieves restrictions on the handling of cucumbers grown in the production area.

Order, as amended. The provisions of § 1015.302 (b) (1) (23 F. R. 7836, 8655, 9171) are hereby amended as follows:

(1) **Grade.** (i) During the period from December 18, 1958 through July 31, 1959, no person may handle cucumbers, except for conversion into pickles or relishes, unless the cucumbers meet the requirements of the U. S. No. 2, or better grade, and (ii) during the period November 10, 1958, through July 31, 1959, both dates inclusive, the requirements of this subparagraph, except for decay, shall not be applicable to cucumbers of the Kirby, MR 17, and other pickling type cucumbers of similar varietal characteristics.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 17, 1958, to become effective December 18, 1958.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 58-10539; Filed, Dec. 22, 1958; 8:48 a. m.]

Subchapter B—Prohibitions of Imported Commodities

[Cucumber Reg., Amdt. 2]

PART 1070—CUCUMBERS

IMPORT RESTRICTIONS

Pursuant to the requirements contained in section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), paragraph (b) *Import restrictions* of § 1070.2 *Cucumber Regulation No. 2* (23 F. R. 8856, 9172) is hereby amended to read as follows:

(b) *Import restrictions.* (1) During the period from December 18, 1958

through July 31, 1959, no person may import cucumbers unless the cucumbers meet the requirements of the U. S. No. 2, or better, grade, and (2) during the period from November 10, 1958, through July 31, 1959, the requirements of this paragraph, except for decay, shall not be applicable to cucumbers of the Kirby, MR 17, and other pickling type cucumbers of similar varietal characteristics.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment (5 U. S. C. 1001 et seq.) in that (i) the requirements established by this amended import regulation are issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), which make such amended regulation mandatory; (ii) the regulations hereby established for cucumbers that may be imported into the United States comply with grade, size, quality and maturity restrictions imposed upon domestic cucumbers under Marketing Agreement No. 118 and Order No. 115 (§ 1015.302 of this chapter; 23 F. R. 7836, 8655, 9171); (iii) compliance with this amended cucumber import regulation should not require any special preparation by importers which cannot be completed by the effective date hereof; and (iv) this amendment relieves restrictions on the importation of cucumbers.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c. Interprets or applies sec. 8e, 68 Stat. 907, as amended; 7 U. S. C. 608e-1)

Dated: December 17, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Market-
ing Service.

[F. R. Doc. 58-10540; Filed, Dec. 22, 1958; 8:40 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter A—General

PART 9—COLOR CERTIFICATION

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for the certification of coal-tar colors (21 CFR Part 9) are amended as indicated below.

1. In § 9.3 (b), the parenthetical explanation following subparagraph (3) is changed by deleting the reference to "FD&C Orange No. 1" and substituting therefor the term "FD&C Blue No. 1,"

¹ See F. R. Doc. 58-10539, *supra*.

so that as changed the parenthetical paragraph reads as follows:

(For example, the name of a lake prepared by extending the aluminum salt prepared from FD&C Blue No. 1 upon the substratum would be FD&C Blue No. 1—Aluminum Lake.)

2a. In § 9.4 (a), under the item "D&C Red No. 16," the word "carboxyphenylazo" is corrected to read "carboxyphenylazo".

b. In § 9.4 (a), under the item "Lakes," the references to "§ 135.3" are changed to "§ 9.3" in the three places at which they occur.

Since these changes are merely editorial in nature, the requirements of section 4 of the Administrative Procedure Act are not applicable to this order.

Effective date. This order shall become effective on the date of publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply secs. 406, 504, 604, 52 Stat. 1049, as amended, 1052, 1055; 21 U. S. C. 346, 354, 364)

Dated: December 16, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-10514; Filed, Dec. 22, 1958; 8:45 a. m.]

Subchapter C—Drugs

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

CHLORTETRACYCLINE SURGICAL POWDER

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended 72 Stat. 948; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR 141c.211, 146c.211; 21 CFR, 1957 Supp., 146c.211) are amended as indicated below:

1. Section 141c.211 is revised to read as follows:

§ 141c.211 *Chlortetracycline surgical powder* (chlortetracycline hydrochloride surgical powder); tetracycline hydrochloride surgical powder—(a) *Potency*—(1) *Dry powder*. If it is chlortetracycline, proceed as directed in § 141c.201 (a), and if it is tetracycline hydrochloride proceed as directed in § 141c.218 (a). The potency is satisfactory if it contains not less than 85 percent of the number of milligrams of chlortetracycline hydrochloride or tetracycline hydrochloride that it is represented to contain.

(2) *Powder packaged with inert gases*. Proceed as directed in § 141c.230 (a) (2).

The potency is satisfactory if it contains not less than 85 percent of the number of milligrams of chlortetracycline hydrochloride or tetracycline hydrochloride that it is represented to contain.

(b) *Sterility*. Use approximately 40 milligrams from each container, except that if it is packaged with inert gases, thoroughly cleanse the valve (do not flame) of each container to be tested with a suitable disinfectant and carefully spray approximately 40 milligrams into each tube. Proceed as directed in § 141a.2 of this chapter, except that neither penicillinase nor the control tube is used.

(c) *Moisture*. Proceed as directed in § 141a.5 (a) of this chapter, except that if it is packaged with inert gases proceed as directed in § 141b.117 (c) of this chapter.

2. Section 146c.211 *Chlortetracycline surgical powder* * * * is amended in the following respects:

a. Paragraph (b) is amended to read as follows:

(b) *Packaging*. In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed (unless it contains inert gases) that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity thereof beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container may contain one or more suitable and harmless inert gases.

b. In paragraph (c) *Labeling*, subparagraph (1) (ii) is amended by changing the semicolon at the end thereof to a comma and adding the following clause: "or if it is packaged with one or more inert gases, the number of grams that shall be ejected when used as directed in the labeling."

c. In paragraph (d) *Request for certification; samples*, subparagraph (3) (i) (a) is amended by changing the words "5 immediate containers" to read: "5 immediate containers (or if it is packaged with inert gases, not less than 7 immediate containers)". As amended, paragraph (d) (3) (i) (a) reads as follows:

(a) For all tests except sterility: One immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers (or if it is packaged with inert gases, not less than 7 immediate containers) or more than 12 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public in-

terest to delay providing for these amendments.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: December 17, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-10534; Filed, Dec. 22, 1958; 8:48 a. m.]

PART 146—GENERAL REGULATIONS FOR CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

ANIMAL FEED CONTAINING ANTIBIOTIC DRUGS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the general regulations for the certification of antibiotic and antibiotic-containing drugs (23 F. R. 6421) are amended as indicated below:

Section 146.26 *Animal feed containing penicillin* * * * is amended in the following respects:

1. Paragraph (b) (21) (i) is changed to read as follows:

(21) (i) It is intended for promoting distribution of fat in chickens and turkeys; its labeling bears adequate directions and warnings for such use, including a warning against its use in laying hens and a warning that its use must be discontinued 24 hours before the treated chickens or turkeys are slaughtered for human consumption; and it contains dieneol diacetate in a quantity, by weight of feed, of not less than 0.0023 percent and not more than 0.007 percent; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug or the methods used in and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information describing such proposed changes, and such amendment has been accepted by the Commissioner.

2. Paragraph (b) (21) (vi) is amended by adding at the end thereof the following new sentence: "If it contains one of the arsenic compounds prescribed in paragraph (a) of this section, its labeling must bear a warning that it must be discontinued 5 days (instead of 24 hours

as required in this subparagraph) before the treated chickens or turkeys are slaughtered for human consumption."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would be against public interest to delay providing for these amendments.

I further find that animal feed containing antibiotic drugs and complying with the requirements in these amendments need not comply with the requirements of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure its safety and efficacy.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 502, 52 Stat. 1051, as amended; sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 352, 357)

Dated: December 16, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-10515; Filed, Dec. 22, 1958; 8:45 a. m.]

PART 146—GENERAL REGULATIONS FOR CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

ANIMAL FEED CONTAINING ANTIBIOTIC DRUGS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the general regulations for the certification of antibiotic and antibiotic-containing drugs (23 F. R. 6421) are amended as indicated below:

In § 146.26 *Animal feed containing penicillin* * * *, paragraph (b) is amended by adding thereto the following new subparagraph (42):

(42) It is intended for use solely as an aid in the prevention of mycosis or in the treatment of mycotic diarrhea and as an aid in stimulating growth in turkey flocks; its labeling bears adequate directions and warnings for such use, including a warning that eggs are to be used for hatching purposes only, if such feed is intended for use in laying hens; and it contains nystatin in a quantity, by weight of feed, of 50 grams per ton if intended for the prevention of mycosis, or 100 grams per ton if intended for the treatment of mycotic diarrhea; it contains less than 50 grams of additional antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire

at the beginning of any act changing the composition or labeling of such drug, or the methods used in and the facilities and controls used for its manufacturing, processing, and packaging or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information describing such proposed changes, and such amendment has been accepted by the Commissioner.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would be against public interest to delay providing for these amendments.

I further find that animal feeds containing antibiotic drugs and conforming with the conditions prescribed in this order need not comply with the requirements of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 502, 52 Stat. 1050, as amended, sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 352, 357)

Dated: December 17, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-10533; Filed, Dec. 22, 1958;
8:48 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Federal Home Loan Bank Board

[No. 12104]

Subchapter A—General Regulations of the Federal Home Loan Bank Board

AMENDMENT AND REDESIGNATION OF GENERAL REGULATIONS

Resolved that, effective December 23, 1958, the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment and redesignation of the General Regulations of the Federal Home Loan Bank Board (24 CFR Subtitle B, Chapter I, Subchapter A) as hereinafter set forth, and for the purpose of effecting such amendment and redesignation, hereby amends said General Regulations of the Federal Home Loan Bank Board to read as set forth in Subchapter A of Exhibit A to this resolution (which exhibit is filed in Minute Exhibit File No. 670 and is also Exhibit A to Federal Home Loan Bank Board Resolutions Nos. 12,105, 12,106, and FSLIC-573), and hereby redesignates said regulations, as so amended, for publication in the Code of Federal Regulations as Subchapter A of Chapter V of Title 12 of said Code.¹

¹ See Title 12, Chapter V, *supra*.

Resolved further that, as none of the amendments made by this resolution are of a major nature and as said redesignation has no substantive effect, the Board hereby finds that notice and public procedure on said amendments and redesignation are unnecessary under the provisions of § 108.12 of the General Regulations of the Federal Home Loan Bank Board (24 CFR 108.12) or section 4 (a) of the Administrative Procedure Act and, as none of said amendments are of a major nature and as said redesignation has no substantive effect, deferment of the effective date thereof is not required under section 4 (c) of said Act.

Dated: December 17, 1958.

[No. 12105]

Subchapter B—Federal Home Loan Bank System

AMENDMENT AND REDESIGNATION OF REGULATIONS

Resolved that, effective December 23, 1958, the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment and redesignation of the Regulations for the Federal Home Loan Bank System (24 CFR Subtitle B, Chapter I, Subchapter B) as hereinafter set forth, and for the purpose of effecting such amendment and redesignation, hereby amends said Regulations for the Federal Home Loan Bank System to read as set forth in Subchapter B of Exhibit A to this resolution (which exhibit is filed in Minute Exhibit File No. 670 and is also Exhibit A to Federal Home Loan Bank Board Resolutions Nos. 12,104, 12,106, and FSLIC-573), and hereby redesignates said regulations, as so amended, for publication in the Code of Federal Regulations as Subchapter B of Chapter V of Title 12 of said Code.¹

Resolved further that, as none of the amendments made by this resolution are of a major nature and as said redesignation has no substantive effect, the Board hereby finds that notice and public procedure on said amendments and redesignation are unnecessary under the provisions of § 108.12 of the General Regulations of the Federal Home Loan Bank Board (24 CFR 108.12) or section 4 (a) of the Administrative Procedure Act and, as none of said amendments are of a major nature and as said redesignation has no substantive effect, deferment of the effective date thereof is not required under section 4 (c) of said Act.

Dated: December 17, 1958.

[No. 12106]

Subchapter C—Federal Savings and Loan System

AMENDMENT AND REDESIGNATION OF RULES AND REGULATIONS

Resolved that, effective December 23, 1958, the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment and redesignation of the Rules and Regulations for the Federal Savings and Loan System (24 CFR Subtitle B, Chapter I, Subchapter C) as hereinafter set forth, and for the purpose of effecting such amendment and redesignation, hereby amends said Rules and Regulations for the Federal Savings and Loan System to read as set forth in Subchap-

ter C of Exhibit A to this resolution (which exhibit is filed in Minute Exhibit File No. 670 and is also Exhibit A to Federal Home Loan Bank Board Resolutions Nos. 12,104, 12,105, and FSLIC-573), and hereby redesignates said rules and regulations, as so amended, for publication in the Code of Federal Regulations as Subchapter C of Chapter V of Title 12 of said Code.¹

Resolved further that, as none of the amendments made by this resolution are of a major nature and as said redesignation has no substantive effect, the Board hereby finds that notice and public procedure on said amendments and redesignation are unnecessary under the provisions of § 108.12 of the General Regulations of the Federal Home Loan Bank Board (24 CFR 108.12) or section 4 (a) of the Administrative Procedure Act and, as none of said amendments are of a major nature and as said redesignation has no substantive effect, deferment of the effective date thereof is not required under section 4 (c) of said Act.¹

Dated: December 17, 1958.

[No. FSLIC-573]

Subchapter D—Federal Savings and Loan Insurance Corporation

AMENDMENT AND REDESIGNATION OF RULES AND REGULATIONS FOR INSURANCE OF ACCOUNTS

Resolved that, effective December 23, 1958, the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment and redesignation of the Rules and Regulations for Insurance of Accounts (24 CFR Subtitle B, Chapter I, Subchapter D) as hereinafter set forth, and for the purpose of effecting such amendment and redesignation, hereby amends said Rules and Regulations for Insurance of Accounts to read as set forth in Subchapter D of Exhibit A to this resolution (which exhibit is filed in BB Minute Exhibit File No. 670 and is also Exhibit A to Federal Home Loan Bank Board Resolutions Nos. 12,104, 12,105, and 12,106), and hereby redesignates said rules and regulations, as so amended, for publication in the Code of Federal Regulations as Subchapter D of Chapter V of Title 12 of said Code.¹

Resolved further that, as none of the amendments made by this resolution are of a major nature and as said redesignation has no substantive effect, the Board hereby finds that notice and public procedure on said amendments and redesignation are unnecessary under the provisions of § 108.12 of the General Regulations of the Federal Home Loan Bank Board (24 CFR 108.12) or section 4 (a) of the Administrative Procedure Act and, as none of said amendments are of a major nature and as said redesignation has no substantive effect, deferment of the effective date thereof is not required under section 4 (c) of said Act.

Dated: December 17, 1958.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F. R. Doc. 58-10558; Filed, Dec. 22, 1958;
8:54 a. m.]

TITLE 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

REPUBLICATION OF REGULATIONS

Chapter I, Federal Home Loan Bank Board, of Title 24, is transferred to Title 12 and redesignated Chapter V. Following is a republication of the regulations of the Federal Home Loan Bank Board as redesignated.

Subchapter A—General

Part

- 500 Functional organization and authority.
- 501 Operations.
- 505 Availability and character of records.
- 506 Bonds and debentures.
- 507 Hearings.
- 508 Promulgation of regulations and amendments.
- 509 Rules of practice and procedure; adjudications under Administrative Procedure Act.

Subchapter B—Federal Home Loan Bank System

- 521 Definitions.
- 522 Organization of the banks.
- 523 Members of banks.
- 524 Operations of the banks.
- 525 Advances.

Subchapter C—Federal Savings and Loan System

- 541 Definitions.
- 542 Amendment of rules and regulations; hearings.
- 543 Incorporation, organization, and conversion.
- 544 Charter and bylaws.
- 545 Operations.
- 546 Merger, dissolution, and reorganization.
- 547 Appointment of conservators, receivers, and supervisory representatives in charge.
- 548 Powers of conservator and conduct of conservatorships.
- 549 Powers of receiver and conduct of receiverships.
- 551 Service of process upon board.

Subchapter D—Federal Savings and Loan Insurance Corporation

- 561 Definitions.
- 562 Applications for insurance.
- 563 Operations.
- 564 Settlement of insurance.
- 565 Termination of insurance.
- 567 Amendment of rules and regulations; hearings.
- 568 Service of process upon Corporation.

SUBCHAPTER A—GENERAL

PART 500—FUNCTIONAL ORGANIZATION AND AUTHORITY

§ 500.10 *Assessments.* Each semiannual assessment under the provisions of subsection (b) of section 18 of the Federal Home Loan Bank Act, as amended, to meet the estimated expenses of the Federal Home Loan Bank Board (referred to in this subchapter as "Board") shall be made on the following basis: Each Federal Home Loan Bank will be assessed such amount as may be necessary to meet the Board's expenses, such assessment to be upon the several Banks in the same proportion as the total gross operating income of the respective Banks for the 6 months' period next preceding, hereinafter prescribed, bears to the total gross operating income of all the Banks for the same period of time. For the assessment for the first half of a calendar year, total gross operating income shall

be determined from information contained in the reports of the respective Banks for each month during the period from June 1 through November 30, and for the assessment for the last half of a calendar year such determination shall be made from information contained in the reports of the respective Banks for each month during the period from December 1 through May 31.

(Sec. 17, 47 Stat. 736, as amended; 12 U. S. C. 1437, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp. Interpret or applies sec. 18, 47 Stat. 737; 12 U. S. C. 1438)

PART 501—OPERATIONS

- Sec.
- 501.10 Officers as agents.
- 501.11 President as agent.

AUTHORITY: §§ 501.10 and 501.11 issued under sec. 17, 47 Stat. 736, as amended; 12 U. S. C. 1437, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp. Interpret or apply secs. 402, 403, 48 Stat. 1256, as amended, 1257, as amended; 12 U. S. C. 1725, 1726.

§ 501.10 *Officers as agents.* For the following purposes, officers and employees of a Federal Home Loan Bank, when designated by the Board, shall be the agents of the Board and the Federal Savings and Loan Insurance Corporation and the counsel of the Bank shall render to said agents such legal services as may be necessary to enable them properly to carry out such duties:

(a) It shall be the specific duty of said agents to give consideration to applications pertaining to organization of Federal savings and loan associations, conversions, and insurance of accounts by the Federal Savings and Loan Insurance Corporation, together with such supplemental information as may be available to them, and promptly to make comments and recommendations upon such applications. Said agents shall transmit such applications to the Board, together with their comments and recommendations thereon. Such comments and recommendations shall be signed by the agents favoring same, and any agent disagreeing therewith shall make a separate report which shall be forwarded at the same time. An agent shall forward to applicants advices of actions taken by the Board and the Federal Savings and Loan Insurance Corporation upon applications, and instructions and other communications from the Board and the Federal Savings and Loan Insurance Corporation.

§ 501.11 *President as agent.* For the following purposes, the President of each Federal Home Loan Bank shall be the agent of the Board and the Federal Savings and Loan Insurance Corporation and the counsel of the Bank shall render to said agent such legal services as may be necessary to enable him properly to carry out such duties: *Provided, however,* That when designated by the Board, some officer or employee of the Bank other than, or in addition to, the President, may act as agent of the Board and the Federal Savings and Loan Insurance Corporation. Said agent shall represent the Board and the Federal Savings and Loan Insurance Corporation in supervising Federal savings and loan associations

and other institutions in the Bank's district which are insured by the Federal Savings and Loan Insurance Corporation. When, in his opinion, such action should be taken, he shall advise and endeavor to assist Federal savings and loan associations and other insured institutions in his Bank district to conduct their operations in conformity with the statutes and the rules and regulations governing them. He shall confer and negotiate, pursuant to instructions from the Board and the Federal Savings and Loan Insurance Corporation, with applicants and with officers, directors, members or creditors of applicant institutions, individually or in group meetings, and otherwise as the Board and the Federal Savings and Loan Insurance Corporation may request in writing. He shall see that all Federal savings and loan associations and other insured institutions in his Bank district submit to him for his consideration such matters as applications for Board approval of amendments to charters or bylaws, petitions for Board permission to establish branch offices, applications for Board approval of the purchase of assets or of consolidations, dissolutions, or mergers, and such other similar matters as are required to be approved by the Board or the Federal Savings and Loan Insurance Corporation under the statutes and rules and regulations. When these matters come to the attention of said agent he shall, after giving them due consideration, submit them, together with such supplemental information as may be available to him, to the Board with his recommendations thereon. After the issuance by the Board of a charter for a Federal savings and loan association, said agent shall follow up the corporate actions taken by the association in the completion of its organization, and shall require the association to comply with the laws, the rules and regulations made thereunder, and such other requirements as may be applicable thereto. Upon receiving from the District Examiner two copies of a report of a supervisory examination of a Federal savings and loan association or other insured institution, together with the District Examiner's analysis thereof, said agent shall make a careful study of such report and analysis, and shall transmit to the institution examined its copy of the report of the examination, and, if necessary, a supervisory letter on stationery provided by the Board and the Federal Savings and Loan Insurance Corporation for such purposes. Said agent shall forward promptly to the Board copies of all transmittal and other supervisory letters, and reports of supervisory conferences or meetings with officers or directors of Federal savings and loan associations and other insured institutions. The Board will consider the documents so forwarded and will advise the said agent concerning such matters as may appear to be appropriate. Any instructions or recommendations from the Board to the said agent with respect to his duties as agent of the Board and the Federal Savings and Loan Insurance Corporation shall be acted upon promptly.

PART 505—AVAILABILITY AND CHARACTER OF RECORDS

- Sec.
 505.10 Records in control of the Federal Home Loan Bank Board.
 505.11 Records in control of agents, etc.
 505.12 Confidential character.
 505.13 Availability of opinions, orders, rules and regulations for public inspection.
 505.14 Classification as confidential.

AUTHORITY: §§ 505.10 to 505.14 issued under sec. 17, 47 Stat. 736, as amended; 12 U. S. C. 1437, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp.

§ 505.10 *Records in control of the Federal Home Loan Bank Board.* All requests to inspect official records shall be in writing and delivered to the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D. C., with a statement of the name or names of the party or parties making such request and the concern of said party or parties in the matter. All records of the Board are in its custody and control for purposes relating to the powers, duties and authorities of the Board, under the provisions of the Federal Home Loan Bank Act, as amended, the Home Owners' Loan Act of 1933, as amended, and Reorganization Plan No. 3 of 1947, 3 CFR, 1947 Supp., Chapter IV. No officer or employee has any control over such records and no discretion with regard to permitting the use of them for any other purpose. All such officers and employees are hereby prohibited from giving out any official information obtained by any one of them on behalf of the Board, or any of such records, to any private person or to any local officer or to any court, including the production of such records or copies thereof made pursuant to their official duties, whether in answer to a subpoena duces tecum or otherwise. Whenever any such subpoena shall have been served upon any of them, they will appear in court in answer thereto, and respectfully decline to produce the records called for, on the ground of being prohibited therefrom by the rules and regulations in this part.

§ 505.11 *Records in control of agents, etc.* All records in the control of any person, including any of the Federal Home Loan Banks or the Federal Savings and Loan Insurance Corporation, in the capacity as agents of the Board, or in the hands of any officer or employee of the Board, must be considered deemed to be privileged and confidential, and such records are in their custody and control for purposes relating to the powers, duties and authorities of the Board under the provisions of the Federal Home Loan Bank Act, as amended, the Home Owners' Loan Act of 1933, as amended, and Reorganization Plan No. 3 of 1947. They have no control over them and no discretion with regard to permitting the use of them for any purpose. All such agents are hereby prohibited from giving out any official information obtained by any one of them on behalf of the Board, or any of such records, to any private person or to any local officer or to any court, including the production of such records or copies

thereof made pursuant to their official duties, whether in answer to a subpoena duces tecum or otherwise. Whenever any such subpoena shall have been served upon any of them, they will appear in court in answer thereto, and respectfully decline to produce the records called for, on the ground of being prohibited therefrom by the rules and regulations in this part.

§ 505.12 *Confidential character.* The giving out of any such records or information, or documents relative thereto, by any of the persons referred to in §§ 505.10 and 505.11 is held to be contrary to public policy by reason of its privileged and confidential character involving delicate and sensitive matters relating to the condition and affairs of financial institutions and not to be permitted. In all cases where any such documents or records, or copies thereof, are desired by, or on behalf of, any private party, or parties to a suit, whether in a court of the United States or any other, such information or copies shall be furnished only upon the written authorization or approval of the Board, or such person or persons as may be authorized by it to grant such authorization or approval.

§ 505.13 *Availability of opinions, orders, rules and regulations for public inspection.* Notwithstanding any provision of §§ 505.10, 505.11 and 505.12, all final opinions or orders in the adjudication of cases, and all rules and regulations for the Federal Home Loan Bank System now or hereafter in force and effect except such final opinions and orders as are required for good cause to be held confidential and not cited as precedents, shall be made available for public inspection at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D. C.

§ 505.14 *Classification as confidential.* The classification of final opinions or orders in the adjudication of cases as final opinions and orders which are required to be held confidential and not cited as precedents shall be made only by the Board or such person or persons as it may designate for that purpose and shall be in writing. Any change in such classification may be made only by the Board or such person or persons as it may designate for that purpose and shall be in writing.

PART 506—BONDS AND DEBENTURES

- Sec.
 506.1 Issuance of consolidated bonds.
 506.2 Form of consolidated bonds.
 506.3 Transactions in consolidated bonds (transfers, exchanges, redemptions, etc.).
 506.4 Lost, stolen, destroyed, mutilated, or defaced bonds.
 506.5 Administrative provision.
 506.6 Reservation of right to revoke or amend; limitations thereon.

AUTHORITY: §§ 506.1 to 506.6 issued under sec. 17, 47 Stat. 736, as amended; 12 U. S. C. 1437, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp. Interpret or apply sec. 11, 47 Stat. 733, as amended; 12 U. S. C. 1431.

§ 506.1 *Issuance of consolidated bonds.* The Board will determine and authorize

the issuance of all consolidated Federal Home Loan Bank bonds, dates of issue, maturities, rates of interest, terms and conditions thereof, and the manner in which such bonds shall be issued, subject to the provisions of section 303 of the Government Corporation Control Act so far as applicable. The Board shall not issue consolidated bonds in excess of 12 times the total paid-in capital stock and reserves under section 16 of the Federal Home Loan Bank Act, as amended, of all the Federal Home Loan Banks. The Federal Home Loan Banks shall at all times maintain assets of the following types, free from any lien or pledge, in a total amount at least equal to the amount of consolidated bonds outstanding: (a) Cash; (b) obligations of or fully guaranteed by the United States; (c) secured advances; and (d) mortgages as to which one or more Federal Home Loan Banks have any guaranty or insurance, or commitment therefor, by the United States or any agency thereof.

§ 506.2 *Form of consolidated bonds.* Consolidated Federal Home Loan Bank bonds shall be issued in series and all consolidated bonds of the same series shall be of like date, tenor, and effect except as to denominations, which shall be in such amounts as may be authorized by the Board. The form of each consolidated bond shall be prescribed by the Board. The Board may, in its discretion, from time to time, issue interim certificates temporarily in lieu of definitive consolidated bonds. Consolidated bonds issued with maturities of 1 year or less may be designated consolidated notes.

§ 506.3 *Transactions in consolidated bonds (transfers, exchanges, redemptions, etc.).* The general regulations of the Treasury Department now or hereafter in force governing transactions in United States securities are hereby adopted, so far as applicable and as necessarily modified to relate to consolidated Federal Home Loan Bank bonds, as the regulations of the Board for similar transactions in consolidated Federal Home Loan Bank bonds.

§ 506.4 *Lost, stolen, destroyed, mutilated, or defaced bonds.* The statutes of the United States, now or hereafter in force, and the regulations of the Treasury Department, now or hereafter in force, governing relief on account of the loss, theft, destruction, mutilation, or defacement of United States securities, so far as applicable and as necessarily modified to relate to consolidated Federal Home Loan Bank bonds, are hereby adopted as the regulations of the Board for the issuance of substitute consolidated Federal Home Loan Bank bonds or the payment of lost, stolen, destroyed, mutilated, or defaced consolidated Federal Home Loan Bank bonds.

§ 506.5 *Administrative provision.* The Secretary of the Treasury, or the Acting Secretary of the Treasury, is hereby authorized and empowered, as the agent of the Board and the Federal Home Loan Banks, to administer the regulations of the Board adopted by §§ 506.3 and 506.4, and to delegate such authority at his discretion to other officers, employees, and agents of the United

States Treasury Department. Any such regulations may be waived on behalf of the Board and the Federal Home Loan Banks by the Secretary of the Treasury or the Acting Secretary of the Treasury or by an officer of the United States Treasury Department authorized to waive similar regulations with respect to United States securities, but only in any particular case in which a similar regulation, with respect to United States securities would be waived. The terms "securities" and "bonds" as used in this section shall, unless the context otherwise requires, include and apply to coupons and interim certificates.

§ 506.6 *Reservation of right to revoke or amend; limitations thereon.* The right to revoke or amend this part, or to prescribe and issue supplemental or amendatory rules and regulations, is hereby reserved: *Provided, however,* That no revocation or relaxation of any of the restrictions or requirements contained in or imposed by the last two sentences of § 506.1 shall be effected unless there are no consolidated Federal Home Loan Bank bonds then outstanding or unless there shall have been deposited with the Treasurer of the United States, for the payment of the principal and interest to date of maturity (or to date designated for redemption in the case of consolidated bonds which are callable and have been called for redemption) of all consolidated Federal Home Loan Bank bonds the holders of which have not consented to such revocation or relaxation, funds sufficient to pay in full said principal and interest to date of maturity or to such date designated for redemption.

PART 507—HEARINGS

- Sec.
507.10 Hearings on regulations for Federal Home Loan Banks.
507.11 Recommendations and representations at hearings by persons other than those requesting hearing.

AUTHORITY: §§ 507.10 and 507.11 issued under sec. 17, 47 Stat. 736, as amended; 12 U. S. C. 1437. Interpret or apply sec. 6, 47 Stat. 727, as amended; 12 U. S. C. 1426.

§ 507.10 *Hearings on regulations for Federal Home Loan Banks.* After receipt of written requests therefor to the Secretary to the Board of at least seven members of the Federal Savings and Loan Advisory Council, or of at least four of the Federal Home Loan Banks (accompanied by certified resolutions of the boards of directors thereof), or of at least 25 members of the Federal Home Loan Bank System (accompanied by certified resolutions of the boards of directors thereof), the Board will fix a time and place for a hearing on a proposed amendment or upon an existing regulation relating to Federal Home Loan Banks to which petitioners object. The Secretary to the Board will give written notice of the time and place of such hearing to all the members of the Federal Savings and Loan Advisory Council, to the president of each of the Banks, and to each of the members of the Federal Home Loan Bank System which requested such hearing. The filing of a request for a hearing upon an existing regulation to which petitioners object

shall not suspend the operation of such regulation. Any interested person, institution or association may appear in person at such hearing before the Board or may be represented at such hearing by any of its directors, officers, employees, agents, or attorneys-at-law; and may offer evidence and examine witnesses.

§ 507.11 *Recommendations and representations at hearings by persons other than those requesting hearing.* No hearing upon a proposed amendment, rule, or existing regulation relating to Federal Home Loan Banks to which the petitioners object will be confined to persons requesting such hearing; but each such hearing will be open to any interested persons or to representatives of any Federal Home Loan Bank or member of the Federal Home Loan Bank System. Recommendations of other persons or institutions that may be affected, or from an organized trade association, may be filed with the Secretary to the Board either prior to or during any hearing, and such persons, institutions or associations may appear in person at such hearing before the Board, or may be represented at such hearing by any of their directors, officers, employees, agents, or attorneys-at-law, and be entitled to be heard.

PART 508—PROMULGATION OF REGULATIONS AND AMENDMENTS

- Sec.
508.10 Reservation of right to amend.
508.11 Amendments of regulations without notice.
508.12 Notice of proposed amendments or regulations not within § 508.11.
508.13 Participation of interested persons in a proposed amendment or rule.
508.14 Repeal of rules and regulations.
508.15 Coordination of subchapters.

AUTHORITY: §§ 508.10 to 508.15 issued under sec. 17, 47 Stat. 736, as amended; 12 U. S. C. 1437, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp.

§ 508.10 *Reservation of right to amend.* The Board expressly reserves the right to amend (including the right to alter or repeal) the regulations set forth in Subchapters A, B, C and D of this chapter.

§ 508.11 *Amendments of regulations without notice.* Any proposed amendment or rule may be adopted by the Board without compliance with the requirements of §§ 507.10 and 507.11, of this subchapter, and §§ 508.12 and 508.13, which involves any matter relating to Board management or personnel or to public property, loans, grants, benefits, or contracts, or which is deemed to apply to interpretative rules, general statements of policy, rules of Board organization, procedure, or practice, or unless all persons subject to any such proposed amendment or rule are named and either personally or otherwise have actual notice thereof in accordance with law, or in any situation in which the Board for good cause finds (and incorporates the findings and a brief statement of the reasons therefor in the amendments or rules issued) that notice and public procedure thereon are impracticable, unnecessary or contrary to the public interest.

§ 508.12 *Notice of proposed amendments or regulations not within § 508.11.* Excepting any proposed amendment or rule adopted pursuant to § 508.11 no proposed amendment or rule (except any substantive rule granting or recognizing exemption or relieving restriction) will be adopted by the Board until at least 30 days have elapsed after publication in the FEDERAL REGISTER of general notice of such proposed amendment or rule including (a) a statement of the time, place, and nature of public rule-making proceedings, (b) reference to the authority under which the amendment or rule is proposed, and (c) either the terms or substance of the proposed amendment or rule or a description of the subjects and issues involved. Notice of such proposed amendment or rule shall also be mailed to each member of the Federal Savings and Loan Advisory Council and to the President of each Federal Home Loan Bank.

§ 508.13 *Participation of interested persons in a proposed amendment or rule.* At any time within 30 days after publication in the FEDERAL REGISTER of general notice of a proposed amendment or rule as prescribed in § 508.12, interested persons may participate in the making of such a proposed amendment or rule through the submission of written data, views, or arguments thereon delivered within the prescribed time to the Secretary to the Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington 25, D. C. Interested persons may also petition for the issuance, amendment, or repeal of an amendment or rule and deliver any such petition to the Secretary to the Board at the address given in this section.

§ 508.14 *Repeal of rules and regulations.* This subchapter together with Subchapter B of this chapter repeals all prior rules and regulations, resolutions, orders and instructions of the Board inconsistent herewith.

§ 508.15 *Coordination of subchapters.* This subchapter shall be applied in conjunction with any related provisions of Subchapters B, C and D of this chapter together with such other material not inconsistent therewith as may be filed now or hereafter by the Board or Federal Savings and Loan Insurance Corporation pursuant to section 5, 49 Stat. 501, 44 U. S. C. 305, and sections 3 and 4, 60 Stat. 238, 5 U. S. C. 1002, 1003.

PART 509—RULES OF PRACTICE AND PROCEDURE; ADJUDICATIONS UNDER ADMINISTRATIVE PROCEDURE ACT

- Sec.
509.1 Scope of regulations.
509.2 Service, filing of papers, etc.
509.3 Notice of hearing.
509.4 Attendance at hearings.
509.5 Conduct of hearings.
509.6 Rules of evidence.
509.7 Transcript of testimony.
509.8 Proposed findings and conclusions and recommended decisions.
509.9 Exceptions; filing of briefs.
509.10 Decision of the Board.

AUTHORITY: §§ 509.1 to 509.10 issued under sec. 17, 47 Stat. 736, as amended; 12 U. S. C. 1437, Reorg. Plan. No. 3 of 1947, 12 F. R. 4981.

3 CFR, 1947 Supp. Interpret or apply sec. 6, 47 Stat. 727, as amended, secs. 5, 407, 48 Stat. 132, as amended, 1260, as amended; 12 U. S. C. 1426, 1464, 1730.

§ 509.1 Scope of regulations. The provisions of this part shall govern hearings to determine whether cause exists, under the provisions of section 6 (i) of the Federal Home Loan Bank Act, as amended (12 U. S. C. 1426 (i)), for the removal of any member of a Federal Home Loan Bank from membership or for depriving any nonmember borrower of the privilege of obtaining advances from a Federal Home Loan Bank; hearings under the provisions of section 5 (d) of the Home Owners' Loan Act of 1933, as amended (12 U. S. C. 1464 (d)), involving alleged violations of law or regulation by a Federal savings and loan association and upon the existence of grounds for the appointment of a conservator or receiver for a Federal savings and loan association; and hearings to determine whether cause exists for the termination of the insured status of any institution insured by the Federal Savings and Loan Insurance Corporation, as provided in section 407 of the National Housing Act, as amended (12 U. S. C. 1730).

§ 509.2 Service, filing of papers, etc.—
(a) *Proof of service.* All documents or papers required to be served by the Board on the institution involved shall be served by the Secretary unless some other person shall be designated for such purpose by the Board. Such service, shall be made by personal service or by registered mail addressed to the last known address as shown on the records of the Board, on the attorney or representative of record of the institution involved, provided that if there is no attorney or representative of record, such service shall be made upon the institution involved at the last known address, as shown on the records of the Board. The term Secretary as used in this part shall mean the Secretary and any Assistant Secretary to the Board.

(b) *Filing of papers.* All material required to be filed with the Board or the Secretary to the Federal Home Loan Bank Board in any proceedings shall be filed with the Secretary, Federal Home Loan Bank Board, Washington 25, D. C. Any such papers may be sent to the Secretary by mail or express but must be received by the Secretary in the office of the Board in Washington, D. C., or be postmarked, within the time limited for the particular filing.

(c) *Form.* All papers filed under this part must include at the head thereof or on the title page, the name of the Board, the name of the institution against which such action is being brought, the number of the resolution giving notice of the hearing, and the subject matter of the particular paper. All such papers shall be typewritten, mimeographed, or printed, and must be signed in the case of the Board by Counsel for the Board or, in the case of the institution involved, by such institution, its duly authorized agent or attorney, and must show the address of the signer.

(d) *Copies.* Unless otherwise specifically provided in the notice of hearing,

an original and 7 copies of all documents and papers required or permitted to be filed or served under this part, except the transcript of testimony and exhibits, shall be furnished to the Secretary.

(e) *Computing time.* In computing any period of time prescribed or allowed by this part, the date of the act, event or default from which the designated period of time begins to run is not to be included. The last day so computed is to be included, unless it is a Saturday, Sunday or legal holiday in the District of Columbia, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday nor legal holiday. Intermediate Saturdays, Sundays and legal holidays shall be included in the computation unless the time within which the act is to be performed is 10 days or less in which event Saturdays, Sundays and legal holidays shall not be included. Half holidays shall be considered as other days and not as holidays.

§ 509.3 Notice of hearing. Whenever a hearing is ordered by the Board in any proceedings a notice of hearing shall be given by the Secretary to the Board to the institution involved. Such notice shall designate the time and place of the hearing and the nature thereof, shall specify the charges, and shall be served by delivering the same personally or by registered mail to the home office of the institution involved, at its last known address as shown on the records of the Board. No hearing shall be held upon less than 30 days' notice except that hearings held pursuant to section 5 (d) of the Home Owners' Loan Act of 1933, as amended, may be held upon not less than 20 days' notice.

§ 509.4 Attendance at hearings. All hearings shall be private and shall be attended only by the institution involved and its representative or counsel, representatives and counsel of the Board, witnesses, and other persons having an official interest in the proceedings: *Provided, however,* That on the written request of the institution, or counsel for the Board, or on its own motion, the Board may permit other persons to attend any such hearing or may order the hearing to be public.

§ 509.5 Conduct of hearings. Each hearing shall be held before a Trial Examiner, one or more Members of the Board, or the Board (referred to in this part as Presiding Officer, which term shall be construed to include whichever of the three shall preside at a hearing hereunder, except as otherwise specified in the text), as determined by the Board. The Presiding Officer who shall be designated to conduct any hearing shall have complete charge of such hearing; have authority to permit the examination of witnesses, to receive evidence, rule upon the admission of evidence, allow and deny motions, except that in the case of any hearing which is held before a Presiding Officer other than the Board, such Presiding Officer shall not have power to decide any motion to dismiss the proceedings or other motion which results in final determination of the merits of the proceedings; and to ad-

journal such hearing from time to time and, as permitted by law or agreed to by the parties, from place to place. The Presiding Officer shall have power to administer oaths and affirmations and, to issue subpoenas and subpoenas duces tecum, as authorized by law, and shall issue such at the request of any interested party. The Presiding Officer may hold conferences before or during the hearing for the settlement or simplification of issues by consent of the parties. Without limitation on the foregoing the Presiding Officer shall, subject to the provisions of this part have all the authority of section 7 (B) of the Administrative Procedure Act.

§ 509.6 Rules of evidence. Any party to the hearing shall have the right to present his case or defense by oral and documentary evidence, to submit rebuttal evidence and conduct such cross-examination as may be required for a clear and true disclosure of the facts. Immaterial, irrelevant or unduly repetitious evidence shall be excluded. Objections to the admission or exclusion of evidence shall state the grounds of objection relied upon but no argument thereon shall be permitted, except as may be ordered or requested by the Presiding Officer. Rulings on such objections and all other matters shall be part of the transcript. Failure timely to object to the admission or exclusion of evidence or to any ruling shall be considered a waiver of such objection.

§ 509.7 Transcript of testimony. Hearings shall be recorded and transcripts will be made available to the institution involved upon payment therefor at the reasonable cost thereof and, in the event the hearing is public, or the Board shall so authorize, shall be furnished on similar payment to other persons. A copy of the transcript of the testimony taken at any hearing, duly certified by the Reporter, together with all exhibits and any briefs or memoranda of law theretofore filed in the cause shall be filed with the Secretary to the Board. The Secretary shall by registered mail notify the institution of such filing. The Presiding Officer shall have authority to rule upon motions to correct the record.

§ 509.8 Proposed findings and conclusions and recommended decisions—(a) *Proposed findings and conclusions by parties.* Each party to a hearing shall have a period of 15 days or such further time as the Presiding Officer for good cause shall determine, running from the date of the notice of the filing of the transcript to file with the Secretary, for submission to the Presiding Officer of proposed findings and conclusions, which may be accompanied by a brief or memorandum in support thereof. A copy of all such material shall be delivered by the Secretary to the Presiding Officer and to the other party to the proceedings, and all such proposals, briefs and memoranda shall become a part of the record.

(b) *Recommended decision and filing of record.* The Presiding Officer, unless such Presiding Officer shall be the Board, shall, within 15 days after the expiration of the time allowed for the filing of proposed findings and conclusions or within

such further time as the Board for good cause shall determine, file with the Secretary and certify to the Board for decision the entire record of the hearing, which shall include his findings and conclusions and his recommended decision, the transcript, exhibits (including on request of the parties concerned any exhibits excluded from evidence or tenders of proof), exceptions, rulings, and all briefs and memoranda filed in connection with the hearing.

§ 509.9 Exceptions; filing of briefs. Promptly upon the filing of the record the Secretary shall serve on the institution involved a notice of such filing together with a copy of the Presiding Officer's findings, conclusions and recommended decision. Each party shall have a period of 15 days from the date of such notice, or such further time as the Board for good cause shall determine, to file with the Secretary exceptions to the findings, conclusions, and recommended decision or any part thereof, or to the failure to make any finding, conclusion, or recommendation, or to the admission or exclusion of evidence, or other ruling of the Presiding Officer, supported by such brief as may appear advisable. A copy of any exceptions filed by counsel for the Board and of any brief filed by such counsel shall promptly be served upon the institution. A reply brief may be filed with the Secretary by counsel for the Board within ten days after the filing of the institution's brief, and a reply brief may be filed with the Secretary by the institution within ten days after the date of service by the Secretary upon the institution of a copy of the brief of counsel for the Board. Further briefs may be filed only with permission of the Board.

§ 509.10 Decision of the Board. A copy of the decision of the Board shall be furnished by the Secretary to the institution involved and if directed by the Board to any appropriate governmental supervisory authority.

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 521—DEFINITIONS

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521.3	Board.
521.4	Creditor liabilities.
521.5	Deposits in banks or trust companies.
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AUTHORITY: §§ 521.1 to 521.11 issued under sec. 17, 47 Stat. 736, as amended; 12 U. S. C. 1437, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp.

§ 521.1 Act. The term "act" means the Federal Home Loan Bank Act, as amended.

§ 521.2 Bank. The term "Bank" means a Federal Home Loan Bank established under the authority of the act.

§ 521.3 Board. The term "Board" means the Federal Home Loan Bank Board or one or more of its officials who has been duly authorized by the Federal

Home Loan Bank Board to act in its behalf.

§ 521.4 Creditor liabilities. The term "creditor liabilities" means every form of obligation or debt, secured or unsecured, including deposits, investment certificates, certificates of indebtedness, and all taxes, which the member is directly obligated to pay.

§ 521.5 Deposits in banks or trust companies. The term "deposits in banks or trust companies" includes a checking account maintained by a Federal Home Loan Bank with the Treasurer of the United States, or a deposit in another Federal Home Loan Bank.

§ 521.6 Home mortgage. The term "home mortgage" includes real estate sales contracts, and such other classes of first liens as are commonly given to secure indebtedness on real estate by institutions authorized under the act to become members, under the laws of the State in which the real estate is located, together with the credit instruments, if any, secured thereby.

§ 521.7 Member. The term "member" means an institution which has been admitted to membership in a Federal Home Loan Bank.

§ 521.8 Net assets. The term "net assets" means gross assets less:

(a) An amount equivalent to the book value, of shares pledged in connection with loans of the share account sinking fund type;

(b) An amount equivalent to unapplied credits on mortgage loans;

(c) An amount equivalent to mortgages in process carried as a liability;

(d) An amount equivalent to unassumed mortgages on real estate owned if carried as a liability;

(e) Inter-series loans;

(f) Delinquent dues;

(g) An amount equivalent to reserves for depreciation on office building and furniture and fixtures unless these assets are carried at net figures with the reserves shown as a deduction from the original cost;

(h) An amount equivalent to special reserves established pursuant to § 545.18 of Subchapter C of this chapter and similar reserves established by State-chartered institutions pursuant to rules and regulations of State supervisory authorities;

(i) Current expenses;

(j) Any other similar contra item of an off-setting, bookkeeping nature.

§ 521.9 Obligations of the United States. The term "obligations of the United States" means all evidences of indebtedness issued by the United States or fully guaranteed as to principal and interest by the United States.

§ 521.10 State. Except as defined in § 522.45 of this subchapter, the term "State" means any one of the States, the District of Columbia, Puerto Rico, the Virgin Islands of the United States, Guam, or the Territory of Alaska or of Hawaii.

§ 521.11 Paid-in value. The term "paid-in value" of stock in a Federal

Home Loan Bank means the aggregate par value of stock in such Bank which is fully paid, and the sum of payments on the par value of stock which is not fully paid.

PART 522—ORGANIZATION OF THE BANKS INCORPORATION

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AUTHORITY: §§ 522.1 to 522.82 issued under sec. 17, 47 Stat. 736, as amended; 12 U. S. C. 1437, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp.

INCORPORATION

§ 522.1 Charter. An organization certificate made and filed by a Bank pursuant to the provisions of section 12 of the act shall be deemed its charter.

CAPITAL

§ 522.5 Par value and price of stock. The capital stock of each Bank, in excess of its minimum capital as estab-

lished pursuant to the authority contained in section 6 (a) of the act, shall be sold at par unless a price in excess of par has been designated by the Board.

§ 522.6 Dividends. The board of directors of a Bank may, with the approval of the Board, declare dividends out of net earnings or undivided profits to stockholders of record at the close of business on June 30 and/or December 31 upon the paid-in value of capital stock outstanding on such record date payable on a date to be specified in the resolution declaring said dividend. On payments made on account of stock during the dividend period (after deducting amounts of any stock repurchased), dividends shall be computed for the time such payments were invested in the Bank's stock.

§ 522.10 Issuance of stock certificates. When a Bank receives advice that an institution has been approved for membership by the Board, it shall issue as of the effective date of such membership, in the name of such member, a certificate of stock for the full amount of such member's stock subscription and upon the issuance of such certificate, such member shall be deemed a stockholder of record; but where such member has not made full and final payment on account of its stock subscription, the Bank shall hold the stock certificates so issued until full payment therefor has been received by the Bank. Upon the change in the name of a member, it shall surrender to the Bank its stock certificate or certificates, which shall be promptly canceled and a new certificate or certificates issued in lieu thereof.

§ 522.11 Stock certificates in consolidations. Upon the consolidation of two or more member institutions into a single institution operating under the charter of one of the consolidating institutions, the institutions other than the one surviving shall surrender their stock certificates to the Bank of which they are members, and upon the cancellation of such certificates by the Bank, the stock subscriptions of such institutions may be refunded to the consolidated institution after adjustment to the minimum number of shares required to be held by the consolidated institution under the provisions of section 6 (c) and/or section 10 (c) of the act.

§ 522.12 Stock certificates in reorganizations. If a member institution reorganizes by transferring all of its assets to another institution or by transferring a portion of its assets to such institution and retaining the remainder for liquidating, the member shall surrender its stock certificate to the Bank, and upon the cancellation of such certificate the Bank shall, subject to the approval of the Board, and providing no advances are outstanding necessitating the holding of the stock as collateral, either refund to the member the value thereof (which shall not exceed the amount paid in), or, at its discretion, to the institution acquiring the assets; except, however, in lieu of the latter, if the institution acquiring the assets has made application and has been approved for membership, the Bank is authorized to apply as a pay-

ment on the stock subscription of such institution the refund value of the liquidating member's stock.

§ 522.13 Lost or destroyed certificates. The Banks are authorized to issue certificates of stock to replace certificates lost or destroyed, upon presentation by the member of satisfactory evidence of such loss or destruction, and such certificates shall show on the face thereof that they are duplicates.

DIRECTORS

§ 522.20 Appointment. Four directors of each Bank will be appointed by the Federal Home Loan Bank Board (referred to in this part as the "Board").

§ 522.21 Election. Not less than eight nor more than eleven directors of each Bank will be elected in accordance with the provisions of §§ 522.21 to 522.45.

§ 522.22 Voting qualifications. As provided in section 7 of the act, the elective directors of each Bank shall be elected by the members thereof, provided such members hold at least \$1,000,000 of the capital stock of the Bank at the time nominations are required. Members shall be deemed to hold \$1,000,000 of the capital stock of a Bank when they have subscribed to a total of \$1,000,000 par value of such stock, made the statutory payments thereon, such subscriptions have been accepted and the subscribers have been notified.

§ 522.23 Class directors. Two of the elective directors shall be known as Class A directors, two as Class B and two as Class C, and shall hold office for terms of two years: *Provided, That, in the case of the Federal Home Loan Bank of San Francisco, there shall be three elective directors in each of the aforesaid classes. Each of these directors shall be a citizen of the United States, a bona fide resident of the district in which the Bank is located; shall be an officer or director of a member of the Bank in the group electing him and shall be deemed to be from the State in which such member is located.*

§ 522.24 Directors-at-large. Two of the elective directors shall be known as directors-at-large, shall be elected by the membership-at-large, without regard to classes, and shall hold office for terms of two years. Each of these directors shall be a citizen of the United States, a bona fide resident of the Bank district and if affiliated, as an officer or director, with a member of the Bank, shall be deemed to be from the State in which such member is located. Each of these directors who is not affiliated, as an officer or director, with a member of the Bank, shall be deemed to be from the State in which he has established a bona fide residence.

§ 522.25 Conduct of election. The election of directors shall be held annually and shall be conducted by mail under the supervision of the Board. No nominations shall be accepted from members which were admitted to membership within the 10 days prior to the date nomination certificates are to be forwarded to members as set forth in

§ 522.26 and no votes for the election of candidates shall be accepted from members which were admitted to membership within the 10 days prior to the date election ballots are to be forwarded to members as set forth in §§ 522.30 and 522.36, respectively.

§ 522.26 Notification of nomination and classification. Not later than January 15 of each year the Board will mail to members, as of the immediately preceding December 31, forms upon which each member shall report the aggregate unpaid principal of its home mortgage loans at the close of said December 31. The forms shall be duly executed and mailed so as to be received by the Secretary to the Board not later than February 15. On the basis of the size of the members, as determined from the aggregate unpaid principal of each member's home mortgage loans appearing on such forms, the Board will establish lines of class demarcation for, and divide the members of each Bank into, classes A, B, and C. In the event the above described form shall not have been received from a member before the time limit specified in this section, the size of such member will be determined from the unpaid principal of its home mortgage loans appearing on the most recent report in the possession of the Board on the immediately preceding December 31. Any institution admitted to membership subsequent to the said December 31 will be classified on the basis of the unpaid principal of its home mortgage loans as of the date of admittance. The Board will then notify each member not later than August 1 of each year of its classification and of its right to nominate and will furnish each member with a list of the members in its class and a list of those holding directorships at that time in the Bank of which it is a member, reflecting each class directorship and each directorship-at-large and containing the name of each director, the date of expiration of the term of each director, the name and address of the member institution of which each class director is an officer or director and his title, the name and address of the institution with which each director-at-large is affiliated and his title, or, if not affiliated with an institution, his present or former occupation and the city and State of which he is a bona fide resident. At the same time each member will be furnished with a copy of the regulations in this part governing the nomination and election of Bank directors and the necessary nominating certificate and will be notified of each directorship to be filled from the membership-at-large and of each directorship to be filled in its class.

§ 522.27 Nominating certificates. Upon receipt of the nominating certificate each member, by resolution of its governing body, may nominate, or authorize one of its directors and one of its officers to nominate, a suitably qualified person for each directorship to be filled in its class and each directorship to be filled from the membership-at-large. The certificate shall then be duly executed and mailed to the Secretary to

the Board, so as to be delivered to his office in Washington, D. C., not later than August 31.

§ 522.28 *Notification to nominees.* A letter will be forwarded to each nominee under registered mail so as to reach his address, as shown by the Board's records, before September 9, informing him of his nomination: *Provided, however,* That no such letter shall be forwarded to any nominee holding a class directorship or a directorship-at-large whose term does not expire until after the close of the calendar year during which the election is being held or to any nominee holding an appointive directorship, unless the Secretary to the Board has received from him before September 1 notice of his intention to be a candidate for a class directorship or directorship-at-large. With such letter each such nominee will be forwarded a list of nominees reflecting the directorship or directorships for which each was nominated, a copy of these regulations governing the nomination and election of Bank directors and a questionnaire which will contain, among other things, a request for a brief biography and questions to ascertain whether the nominee is eligible for the directorship for which he has been nominated and whether he is willing to serve if elected. Such questionnaire must be completely filled in and mailed so as to be delivered to the office of the Secretary to the Board not later than September 20 in order for the nominee to have his name placed on an election ballot. No candidate shall be eligible for election to a directorship unless he is nominated and his name placed on an election ballot pursuant to the provisions of this section and § 522.29.

§ 522.29 *Nominations for more than one directorship.* In the event any person is nominated for two directorships, he will be so informed by the Board in the letter referred to in § 522.28 and given an opportunity to state which of said directorships he prefers; or in the event any person is nominated for more than two directorships, he will be so informed by the Board by said letter and given the opportunity to express his order of preference for the directorships for which he has been nominated. In each such case the nominee will be informed by said letter that it is necessary that the Board receive from him, not later than September 15, an expression of preference in order to have his name placed on an election ballot. In each such case where the Board has received from a nominee an expression of preference within the time referred to and the other information as required in this part, the Board will, in accordance with the preference expressed, designate the directorship for which the nominee shall be a candidate; however, if it appears to the Board that such action would impair, or result in such nominee having no chance of being elected on account of, the representation per State as set forth in § 522.32, the Board will designate such person as a candidate only for the directorship which appears to the Board to be the most suitable, if it also appears to the Board such person

has a chance of being elected to such directorship. If it appears to the Board that a candidate has no chance of being elected to a directorship or to any of the directorships for which he has been nominated, on account of the representation per State as set forth in § 522.32, the name of such candidate will not be placed on an election ballot if he has made a request that his name not be so placed in such event.

§ 522.30 *First election ballots.* On or before October 1, the Board will mail to each member the first election ballots which will contain in alphabetical order the name of each candidate for each directorship to be filled in its class and from the membership-at-large who has complied with the provisions of §§ 522.28 and 522.29. Each ballot for a class directorship will also reflect the title of each candidate and the name and address of the member institution of which he is an officer or director. Each ballot for a directorship-at-large will also reflect the title of each candidate and the name and address of the institution with which he is affiliated or, if not affiliated with an institution, his present or former occupation and the city and State of which he is a bona fide resident. In the event a candidate for a directorship-at-large is affiliated with an institution which is not a member of the Bank such fact will be recorded on the ballot.

§ 522.31 *Balloting.* Each member, by resolution of its governing body, may cast its vote or authorize one of its directors and one of its officers to cast its vote for each directorship to be filled in its class and for each directorship-at-large to be filled by votes from the membership-at-large. The ballots shall be properly marked and the envelope of certification properly executed, and both mailed to the Secretary to the Board so as to be delivered at his office in Washington, D. C., not later than October 31.

§ 522.32 *State representation.* In determining the results of balloting by the members, the Board will, subject to the provisions of §§ 522.23, 522.33 and 522.34, see that each State is represented on the new board of directors by at least the number of elective directors set forth below: *Provided,* There has been an eligible candidate from such State who has been voted for:

Federal Home Loan Bank of—	Directors per State
Boston	1
New York	3
Pittsburgh	1
Greensboro	1
Cincinnati	2
Indianapolis	3
Chicago	3
Des Moines	1
Little Rock	1
Topeka	1
San Francisco:	
California	3
Each other State	1

And provided further, That in the case of the Federal Home Loan Bank of San Francisco, there shall not be more than three elective directors from any of the States.

§ 522.33 *First election results.* Before November 15 the Board will deter-

mine the results of the first election ballots. In case of each directorship subject to the election, any candidate having a majority of all votes cast for a directorship will be declared elected, provided the required minimum representation per State will not be impaired thereby. If the required minimum representation per State will not be maintained on the new board of directors, the Board will designate for each State which apparently would otherwise be inadequately represented the directorship or directorships to be filled only by a candidate from such State, provided there has been a properly qualified candidate from each of such States who has been voted for for the directorship so designated.

§ 522.34 *Designation of directorship for States inadequately represented.* (a) In making each such designation the Board will first ascertain the directorships for which a candidate from the State which apparently would otherwise be inadequately represented has been voted for and which can be reserved for such State without impairing the necessary representation of any other State more entitled to representation. From the directorships thus ascertained to be available for designation, the Board will designate for each State which apparently would otherwise be inadequately represented the directorship for which a candidate from such State has received more votes than any other candidate for such directorship. If no candidate from such State has received such a plurality and the leading candidates for all of the available directorships are, therefore, from other States, the Board will, from the available directorships, designate the directorship for which the leading candidate has a lesser percentage of votes than any of the leading candidates for other available directorships. This procedure will eliminate from further consideration all candidates from other States for such directorship reserving it for candidates from the State which apparently would otherwise be inadequately represented.

(b) If after designating a directorship to be filled from a State which apparently would otherwise be inadequately represented, the Board finds that only one candidate from such State has received a vote or votes for such directorship, such candidate will be declared elected. Otherwise, a final election ballot will be required involving only candidates from such State for such directorship, who are to be selected in accordance with § 522.36.

§ 522.35 *Declaration and notification of first election results.* Upon determining the results of the first election ballots, the Board will declare elected the candidates who should be declared elected in accordance with the provisions of §§ 522.21 to 522.45. The Board will thereupon spread said results upon its minutes and notify the directors elected of their election. The Board will also furnish each Bank member the results of the first election ballots and advice as to any directorship or directorships which are to be subject to a final election. The results of the first

election ballots shall reflect the name of each candidate, the name and address of the institution with which he is affiliated, the number of votes he received, the number of members eligible to vote for the directorship for which he was a candidate and the candidate declared elected. Upon the request of a candidate the Board will furnish him with the number of votes each candidate received for the directorship for which he was a candidate and the number of members eligible to vote for the directorship for which he was a candidate.

§ 522.36 *Final election ballots.* On or before November 15, the names of the two highest candidates for each directorship not filled will be placed on final election ballots and such ballots forwarded to the members entitled to vote for such directorships: *Provided, however,* That in the event more than two candidates receive the same number of votes for a directorship and such number is greater than the votes of any of the other candidates for such directorship, the names of all said candidates receiving an equal number of votes shall be placed on the final election ballot: *Provided further,* That in the event one candidate receives more votes than any other candidate for the directorship and the next highest number of votes for the directorship is held by two or more candidates, the names of all said candidates receiving the two highest number of votes for the directorship shall be placed on the final election ballot. There will be shown on each final election ballot the same information with respect to each candidate which will be shown on each first election ballot with respect to each candidate as set forth in § 522.30.

§ 522.37 *Final balloting.* Each member, by resolution of its governing body, may cast its vote or authorize one of its directors and one of its officers to cast its vote for each directorship to be filled as the result of the final election ballots. The ballots shall be properly marked and the envelope of certification properly executed, and both mailed to the Secretary to the Board so as to be delivered at his office in Washington, D. C., not later than December 15.

§ 522.38 *Declaration and notification of final election results.* Upon determining the results of the final election ballots, the Board will declare elected the candidates receiving the highest number of votes. The Board will thereupon spread said results upon its minutes and notify the directors elected of their election. The Board will furnish each Bank member with the results of the election of directors for that Bank. The results of the final election ballots shall reflect the name of each candidate, the name and address of the institution with which he is affiliated, the number of votes he received, the number of members eligible to vote for the directorship for which he was a candidate and the candidate declared elected. Upon the request of a candidate the Board will furnish him with the number of votes each candidate received for the directorship for which he was a candidate and

the number of members eligible to vote for the directorship for which he was a candidate.

§ 522.39 *Tie vote.* In the event the voting for those whose names appear on a final election ballot results in a tie, the Board will determine which of the leading candidates shall be declared elected.

§ 522.40 *Mailing of nominating certificates and balloting material.* All nominating and balloting material sent to members shall be forwarded by regular mail, except that such material sent to members in Puerto Rico, the Virgin Islands, Alaska and Hawaii shall be forwarded by airmail. Each Bank will be furnished with copies of all nominating certificates, ballots and other election material which has been forwarded to its members.

§ 522.41 *Opening, retention and inspection of ballots.* No election ballots will be opened until after the close of the polls. No ballots will be considered except ballots executed on forms supplied by the Board. No change in any ballot will be permitted after it has been delivered to the Secretary to the Board. All ballots and envelopes of certification shall be preserved by the Secretary to the Board until the end of the ensuing calendar year and shall be subject to inspection only by a member of the Board.

§ 522.42 *Prohibition of actions influencing votes.* Neither an officer, attorney, employee or agent of the Board nor a Board of Directors, Executive Committee, officer, attorney, employee or agent of a Bank shall take any action which would tend to influence votes for any candidate for a directorship in a Bank. The Board, after hearing, may consider a violation of the provisions of this section as grounds for dismissal or may declare the directorship involved as vacant, or both.

§ 522.43 *Polling time.* In the event any date specified in §§ 522.22 to 522.37 falls on a Sunday or a holiday, the next business day shall be included in the time allowed. All polls shall be closed on the dates specified at 5:00 p. m., e. s. t. No nominating certificate, questionnaire or ballot shall be considered unless delivered at the office of the Secretary to the Board, Washington, D. C., at or before the time specified.

§ 522.44 *Directorship vacancy.* In the event of a vacancy in any elective directorship the Board will, if it considers it feasible to do so, fill such vacancy by an appointment for a period to expire at the end of the calendar year in which the vacancy occurs and, at the next regular election, a director shall be elected to hold office for the unexpired portion of the term, if any. The Board will also determine any other matters concerning the election and appointment of directors which are not provided for in §§ 522.21 to 522.45.

§ 522.45 *Definition of "State".* As used with respect to the election of directors for the Federal Home Loan Banks, the term "State" means any one of the States or the District of Columbia.

COMPENSATION AND DUTIES OF DIRECTORS

§ 522.60 *Compensation.* Directors' fees shall be established by each Bank, subject to the approval of the Board.

§ 522.61 *Duties.* Individually and collectively, it shall be the specific duty of the directors of each Bank to have the Bank comply with the provisions of the act and of the regulations in this part relating to the operation of the Bank. The directors shall hold such meetings and perform such other duties as are set out in the Bank's bylaws.

SELECTION AND COMPENSATION OF OFFICERS AND EMPLOYEES

§ 522.70 *Selection.* The election or appointment of the officers, legal counsel and employees of a Bank shall be in accordance with the bylaws of such Bank. No full-time officer or employee of any Bank shall act in any capacity for any member or institution which is insured by the Federal Savings and Loan Insurance Corporation under any understanding providing for continuous or repeated services nor act in any capacity for any institution in connection with any petition, application, or matter in which any action is required by the Bank or any of its officers, whether the Bank or such person will be acting for the Bank or as agent of the Board, or Federal Savings and Loan Insurance Corporation, except when employed by, or with the consent of, the Federal Savings and Loan Insurance Corporation in cases involving payment of insurance, loans, purchases of assets or contributions by said Corporation under section 405 or 406 of the National Housing Act, as amended. The prohibitions as to employment set forth in the preceding sentence shall apply to the counsel and attorneys of any Bank, whether employed on a salary, fee, retainer or other basis, except that, with the prior consent of the Board, and to the extent of such consent, any such person may act as counsel or attorney for any institution in connection with any matters covered by such prohibitions. The Board disapproves the practice of nepotism in the selection of personnel.

§ 522.71 *Compensation.* The board of directors of each Bank shall adopt appropriate resolutions annually showing the contemplated compensation of officers and legal counsel, to be effective during the next calendar year. Such resolutions shall be forwarded to the Board so as to reach it not later than November 1. The Board will, for each Bank, either approve or disapprove, in whole or in part, such proposed compensation and will advise the Bank of its action relating thereto. Each Bank may establish the amount and form of compensation of all other employees within the limits set forth in its approved budget. No bonus shall be paid by any Bank to any director, officer, employee or other person.

§ 522.72 *Indemnification.* A Federal Home Loan Bank which has duly adopted a bylaw so providing shall indemnify or reimburse each present and future director, officer or employee of the bank (and his heirs, executors and administrators) against all reasonable expenses (subject to approval by the Board as to

the reasonableness thereof), and against all liabilities to third persons, incurred by him in connection with or arising out of any action, suit or proceeding brought against him by reason of any act or omission in the performance of his official duties as such director, officer or employee of the bank (whether or not he continues to be a director, officer or employee at the time of incurring such expenses or liabilities). Such expenses and liabilities shall include, but not be limited to, court costs and attorneys' fees, judgments, and the costs of reasonable settlements. The bank shall not, however, indemnify such director, officer or employee against either expenses or liabilities with respect to matters as to which he shall be finally adjudged in any such action, suit or proceeding to be liable for negligence or wilful misconduct in the performance of his official duties as such director, officer or employee, or shall be finally adjudged or shall agree by way of settlement to be liable to the bank for any reason. Indemnification in the event of a settlement or compromise shall be subject to prior approval by the Board and shall be had only where it is determined that such director, officer or employee is not liable for negligence or wilful misconduct in the performance of his official duties with respect to the matters involved and that such settlement or compromise is in the best interest of the bank. The foregoing right of indemnification shall not be exclusive of other rights to which any director, officer or employee may be entitled as a matter of law.

DUTIES OF OFFICERS

§ 522.75 *In general.* The President shall be the chief administrative officer of the Bank. The President and other officers shall have such powers and duties as are prescribed in the Bank's bylaws and in the regulations in this part.

§ 522.76 *President.* The President shall endeavor to ascertain whether each member of the Bank is complying with the provisions of the act and of the regulations in this subchapter relating to such member. If the President finds that a member institution is not conducting its affairs in accordance with the foregoing, he shall request the member so to do. In the event the member does not comply with such request, the President shall report the matter, or cause it to be reported, to the board of directors.

FISCAL AGENT

§ 522.80 *Selection.* There shall be a Fiscal Agent of the Banks who shall be appointed by and whose compensation shall be established by the Presidents of the Banks, subject to the approval of the Board.

§ 522.81 *Duties.* (a) The Fiscal Agent shall (1) conduct all negotiations relating to the public or private offering and sale of consolidated Federal Home Loan Bank obligations, as may be authorized by the Board; (2) conduct all negotiations for the purchase and/or sale of any securities in behalf of a Federal Home Loan Bank, as may be requested by such Bank after receiving the approval of the Board in the event such approval is re-

quired or as may be requested by the Board; and (3) perform such other related duties as may be requested of him by a Federal Home Loan Bank or Banks and/or the Board.

(b) The Fiscal Agent shall maintain in a checking account in a commercial bank approved by the Banks an "imprest fund", in such maximum amount as may be approved by the Banks. Such bank account shall be subject to withdrawal by check or draft signed by either the Fiscal Agent, or by another person or persons designated by him with the approval of the Banks. Each Bank shall from time to time forward to the Fiscal Agent its check for the amount representing its prorata share of the expenditures made by him during a designated period from the funds received from the Banks, promptly upon receipt of statements from him of such amounts. All of the foregoing receipts from the Banks are to be deposited by the Fiscal Agent in the bank account referred to in this section and are to be disbursed as provided in § 522.82.

§ 522.82 *Compensation and expenses.* The Bank Presidents shall appoint a budget committee consisting of three Bank Presidents. The Fiscal Agent shall annually submit to such committee a budget for the following calendar year containing proposed allotments for the expenses of maintaining and operating his office. After such budget has been approved by at least two members of the committee and by a majority of the Presidents of the Banks, it shall be forwarded to the Board so as to reach it on or before the first day of December. The action of a President concerning such proposed budget shall be reported by him to the next scheduled meeting of the Bank's Board of Directors. After such budget has been approved by the Board, the Fiscal Agent may make disbursements thereunder from the funds provided for in § 522.81 (b). The Fiscal Agent may, without further authority, make a transfer from an excess allotment, in the budget referred to, to an insufficient allotment. However, transfers to allotments for compensation or rent of banking quarters, as well as any proposed changes which would increase the total of the approved budget, shall be submitted by the Fiscal Agent for approval in the same manner as the original budget was submitted. In addition the Fiscal Agent shall, upon the direction of the Board, make disbursements from the funds provided for in § 522.81 (b), in payment of such other expenses which will not be covered by the approved budget and which are deemed appropriate.

PART 523—MEMBERS OF BANKS

APPLICATION FOR MEMBERSHIP

- Sec. 523.1 Application form.
523.2 Examination and review of application.
523.3 Board action on applications.

STOCK SUBSCRIPTION

- 523.4 Subscription form.
523.5 Minimum stock subscription.
523.6 Adjustments in stock holdings.

- Sec. 523.7 Excess stock subscriptions.
523.8 Payments on stock subscription.
523.9 Transfer or hypothecation of stock.

HOLDINGS OF CASH AND OBLIGATIONS OF THE UNITED STATES

- 523.12 Holdings of cash and obligations of the United States by members.

REPORTS

- 523.15 Reports.

EXAMINATIONS

- 523.20 Examinations of members.
523.25 Official membership insignia.

WITHDRAWAL AND REMOVAL FROM MEMBERSHIP

- 523.30 Procedure for withdrawal.
523.31 Cancellation of withdrawal notice.
523.32 Procedure for removal.

AUTHORITY: §§ 523.1 to 523.32 issued under sec. 17, 47 Stat. 735, as amended; 12 U. S. C. 1437, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp. Statutory provisions interpreted or applied are cited to text in parentheses.

APPLICATION FOR MEMBERSHIP

§ 523.1 *Application form.* Applications for membership shall be made on forms approved by the Board. Any institution desiring to become a member of a Bank shall obtain application forms from and file the same in duplicate with the Bank of the district in which it is located.

§ 523.2 *Examination and review of application.* The officers of the Bank designated by its board of directors shall promptly consider the application for membership and shall endeavor to obtain such supplemental information as they may deem appropriate. They shall report their recommendations thereon to the board of directors or to the executive committee of the Bank, which shall consider the officers' report and, after obtaining any additional information with respect to the application as it may desire, shall then transmit the application to the Board with its recommendation thereon. The board of directors may authorize the said designated officers to transmit applications for membership to the Board with their recommendations thereon, during the periods between meetings of the board of directors or executive committee of the Bank, provided such action is in accordance with the Bank's bylaws. Each such action shall be reported to the next meeting of the board of directors or executive committee, whichever shall first occur.

§ 523.3 *Board action on applications.* The Board, after considering the application and the recommendation of the Bank, will inform the Bank of its action thereon. The Bank will inform the applicant of such action, and, if the application is approved, transmit to the applicant the membership certificate received from the Board.

STOCK SUBSCRIPTION

§ 523.4 *Subscription form.* Duly executed subscription for stock shall be made by the applicant at the time of filing application for membership.

§ 523.5 *Minimum stock subscription.* When a member has filed with the Bank the report required by § 523.15, the Bank

shall notify the member if an additional subscription to its capital stock is required in order to comply with the act.

§ 523.6 Adjustments in stock holdings. The board of directors of any Bank may increase or decrease the amount of stock of any member from time to time so that the stock held by each member shall conform to the provisions of section 6 (1) of the act. In any case in which the amount of stock held by a member is decreased upon proper application of such member, the Bank shall pay for each share of stock, upon its surrender, an amount equal to the value thereof, which value shall be determined as provided in section 6 (f) of the act, or, at its election, apply the whole or any part of such payment as a credit upon the indebtedness of the member to the Bank. A Bank may require a member to give 30 days' written notice of its intention to make an application to the Bank for a decrease in the amount of stock held by it. In no case shall there be a reduction in the amount of stock held by any member to an amount less than that required by section 10 (c) of the act. The board of directors of any Bank may, by resolution, designate the duly constituted executive committee or any officer of such Bank to exercise the powers granted by this section.

§ 523.7 Excess stock subscriptions. A member, subject to the approval of the Bank, may subscribe to the capital stock of the Bank of which it is a member in such larger amount than the minimum amount specified by the provisions of section 6 (c) of the act as it may desire, subject to the provisions of the law under which such member operates.

§ 523.8 Payments on stock subscription. An applicant may pay for stock subscribed in installments, as provided in section 6 (d) of the act. In the event of substantial delay between the time of filing of the application and notification of such applicant's admission to membership, provided the applicant has furnished all information required and complied with applicable laws and the regulations of the Board, such applicant may be allowed to make its second payment upon admission and succeeding payments as above provided. All other subscriptions to a Bank's stock shall be paid in full not later than the time the stock certificates therefor are issued.

§ 523.9 Transfer or hypothecation of stock. A member desiring to dispose of or transfer its stock shall make application for Board approval through the Bank of which it is a member.

HOLDINGS OF CASH AND OBLIGATIONS OF THE UNITED STATES

§ 523.12 Holdings of cash and obligations of the United States by members. No member insurance company shall make or purchase any loan, other than loans on the company's insurance policies, at any time when the aggregate of its cash and obligations of the United States is not at least equal to 6 percent of its policy reserve required by state law. No other member shall make or purchase any loan, other than advances

on the sole security of its withdrawable accounts, at any time when its cash and obligations of the United States are not at least equal to 6 percent of the obligation of the member on withdrawable accounts. For the purposes of this section:

(a) A loan shall be deemed to have been made as of the date of the note or bond evidencing the same, and a loan shall be deemed to have been purchased as of the date of payment therefor;

(b) The term "cash" shall mean cash on hand, and cash on deposit in banks, including Federal Home Loan Banks, which is not pledged as security for indebtedness; and

(c) The term "obligations of the United States" shall mean all unpledged evidences of indebtedness issued by the United States and all unpledged evidences of indebtedness issued by any agency or instrumentality of the United States which are by statute fully guaranteed as to principal and interest by the United States.

REPORTS

§ 523.15 Reports. Each member shall make an annual report of its affairs as of the end of its fiscal year, or as of a date which may be mutually agreed upon by the Bank and such member, upon forms approved by the Board. Two copies of such annual reports shall be forwarded to the member's Bank within 30 days after the end of such reporting year (unless the Bank shall establish a longer period not exceeding sixty days). One copy of such report shall be transmitted by the Bank to the Board.

EXAMINATIONS

§ 523.20 Examinations of members. Examinations of members, when required on account of the inadequacy of State examinations for the purposes of the Banks, shall be made at least annually, as prescribed by the Board, and the cost of any such examination, as determined by the Board, shall be paid by the member.

§ 523.25 Official membership insignia. Each member is authorized to display the approved design of insignia of membership on its letterheads, share accounts books, advertising, and similar material and to display the insignia on its windows or the exterior of its quarters. Members are likewise authorized to use the words "Member Federal Home Loan Bank System" in plain lettering in similar instances.

WITHDRAWAL AND REMOVAL FROM MEMBERSHIP

§ 523.30 Procedure for withdrawal. When a member shall have filed with a Bank notice of its intention to withdraw from membership, the Bank shall submit such notice to the Board.

§ 523.31 Cancellation of withdrawal notice. A member, having filed notice of intention to withdraw from membership, may cancel such notice by notifying the Board at any time prior to the effective date of withdrawal, as fixed by the Board.

§ 523.32 Procedure for removal—(a) Grounds for removal. The grounds for

the removal of a member from membership in a Federal Home Loan Bank or to deprive any nonmember borrower of the privilege of obtaining further advances from a Bank shall consist of any one or more of the following:

(1) The failure of the member or nonmember borrower to comply with any provision of the act.

(2) The failure of the member or nonmember borrower to comply with any regulation of the Board adopted pursuant to the act.

(3) The insolvency of the member or nonmember borrower. Any member which is a building and loan association, savings and loan association, cooperative bank or homestead association will be deemed insolvent if its assets are less than its obligations to creditors and others, including the holders of its withdrawable accounts.

(4) The management or home-financing policy of the member or nonmember borrower is of a character inconsistent with sound and economical home financing or with the purposes of the act.

(b) *Hearing.* In the event the Board is of the opinion that one or more of the grounds enumerated in paragraph (a) of this section exists for the removal of any member from membership or the depriving of any nonmember borrower of the privilege of obtaining further advances, the Board will give such member or nonmember borrower at least 30 days' written notice of its intention to terminate such membership or to deprive such nonmember borrower of the privilege of obtaining further advances, which notice shall state the grounds for such action and the time and place of a hearing at which the member or nonmember borrower may appear and be heard. Such notice shall be served upon the member or nonmember borrower in the manner provided by Part 509 of this chapter. The hearing shall be conducted in accordance with the provisions of said Part 509 of this chapter.

(Sec. 6, 47 Stat. 727, as amended; 12 U. S. C. 1426)

PART 524—OPERATIONS OF THE BANKS

Sec.	
524.1	Bank quarters.
524.2	Investments.
524.3	Transfer of funds between banks.
524.4	Deposits from members.
524.5	Trustee powers.
524.6	Budgets.
524.7	Surety bonds.
524.8	Insurance.
524.9	Safe-keeping accounts.
524.10	Securities held in trust or as collateral.
524.11	Depositories.
524.12	Donations.
524.13	Accounting.

AUTHORITY: §§ 524.1 to 524.13 issued under sec. 17, 47 Stat. 736, as amended; 12 U. S. C. 1437, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp.

§ 524.1 Bank quarters. Neither a Bank nor the Fiscal Agent of the Banks shall enter into any contract for the lease of quarters until such proposed contract shall have been approved by the Board.

§ 524.2 Investments. (a) Ordinarily the acquisition and/or disposition of securities shall originate with the Banks.

The Board of Directors of a Bank may authorize one or more officers of the Bank to acquire and/or to dispose of such securities which mature or are redeemable within thirteen months as in the judgment of such officer or officers is necessary in the operation of the Bank. The proposed acquisition and/or disposition of all other securities by a Bank shall be authorized in advance by a majority of the members of its Board of Directors, Executive Committee, or Investment Committee consisting of not less than three members at least a majority of whom shall be directors of the Bank; such authorization shall be either: (1) For each acquisition and/or disposition, or (2) for acquisitions and/or dispositions of securities not exceeding the maximum amount stated in the authorization and not having maturity dates beyond that specified therein, which authorization shall be for a period not exceeding ninety days, and under which one or more of the Bank's officers designated by its Board of Directors may consummate such security transactions as in his or their judgment are necessary in the operation of the Bank. Acquisitions and/or dispositions of securities may be made by any Bank without the prior approval of the Board or a designated representative of said Board, only when such security transactions are in conformity with policies established by said Board and transmitted to the Banks or authorizations of said Board or said representative of the Board.

(b) The principal amount of obligations of the United States shall be used as the basis in determining compliance with the provisions of sections 11 and 16 of the act.

(c) Advances to members maturing within 1 year on the security of home mortgages or obligations of the United States may be deemed investments in compliance with section 11 (g) of the act.

(d) The temporary holding of cash awaiting a propitious opportunity for the investment of reserves under the provisions of section 16 of the act is held to be not a violation thereof.

§ 524.3 Transfer of funds between banks. Interbank borrowing shall be through the medium of unsecured deposits. Such deposits shall bear interest at rates established by the Board.

§ 524.4 Deposits from members. (a) Banks may accept demand deposits from members, but no interest shall be paid thereon.

(b) Banks may accept time deposits from members but shall reserve the right to require, in writing, at least 30 days' notice of intention to withdraw such deposits or any part thereof. The rates of interest to be paid on such deposits as remain unwithdrawn for periods of 30 days or more may be established by the board of directors of each Bank, within the range established by the Board.

§ 524.5 Trustee powers. Each Bank is authorized to act as trustee in any trust affecting the business of any member, nonmember insured institution, any institution or any group making application for membership in a Bank or for

insurance of accounts, or any group making application for a charter for a Federal Savings and Loan Association: *Provided*, That such trusts are limited to those which are created or which arise for the benefit of the institution as such or for the benefit of its savers, investors or borrowers and/or are in the interest of the promotion of sound and economical home financing: *And provided further*, That Banks shall cease to act as trustees in the case of applicants if the application is withdrawn or rejected. The Banks are authorized to make reasonable charges for services rendered in connection with such trusts.

§ 524.6 Budgets. Each Bank shall prepare and submit to the Board for its approval a budget of operations in the manner and according to the procedure prescribed in its bylaws. Each Bank shall submit to the Board with its budget a certificate signed by its president as to the compliance by each of its officers, legal counsel and employees with the provisions of § 522.70 of this subchapter and a properly certified copy of the resolutions of its board of directors electing officers and appointing legal counsel. The Board will either approve the budget as submitted by each Bank or approve such budget with such adjustments therein as to it appear proper. A Bank may at any time adopt and request the Board's approval of an amendment to its approved budget; and upon approval of any such amendment by the Board, such Bank shall be operated within such amended budget.

§ 524.7 Surety bonds. Each Bank shall maintain adequate surety bonds covering all officers, employees, attorneys, or agents having control over or access to monies or securities owned by each Bank or in its possession, in companies approved by the Board. The form and amount of such bonds shall be subject to the approval of the Board. All such bonds and evidence of their continuation shall be held in the custody of the Board.

§ 524.8 Insurance. Each Bank shall comply with all provisions of law as to the maintenance of liability, compensation or other insurance, and may maintain such additional forms and amount of insurance as in the opinion of its board of directors is necessary to protect the interests of the Bank.

§ 524.9 Safe-keeping accounts. All securities owned by each Bank shall be held in either the Federal Reserve Bank of New York or the Federal Reserve Bank of Chicago, subject to the order of the Secretary of the Treasury, who will promptly transmit to the Federal Reserve Bank concerned all orders affecting such safe-keeping accounts which have been delivered to him by the Board: *Provided, however*, That any Bank may make arrangements with a Federal Reserve Bank or with one of its depository commercial banks to hold in safe-keeping United States Treasury Bills and/or Certificates of Indebtedness owned by it subject only to its order. Without regard to the provisions of this section, any special series United States Treasury Notes held by or for the account of any

Bank may be held with the Treasurer of the United States or with such depository or depositories as may be designated by the Board.

§ 524.10 Securities held in trust or as collateral. Bonds and negotiable securities held by a Bank as collateral or in trust shall be placed in the custody of a Federal Reserve Bank or branch thereof, a financial institution which is a member of the Federal Reserve System or of the Federal Deposit Insurance Corporation, or under such other arrangement as may be approved by the Board: *Provided, however*, That this section shall not apply to bonds and negotiable securities held in custody pursuant to the plan for the handling of security transactions of member institutions approved August 13, 1943.

§ 524.11 Depositaries. Each Bank shall maintain a checking account with the Treasurer of the United States. The board of directors of a bank shall designate such further depositaries as the convenient operation of the Bank shall require: *Provided*, That such depositaries shall, unless otherwise authorized, be members of the Federal Reserve System or of the Federal Deposit Insurance Corporation.

§ 524.12 Donations. Since a Bank is not a local institution, but is concerned with the affairs of all communities in its district and since it would be impracticable to make donations to charitable organizations without exercising a preference in favor of some communities as against others, and in the complete absence of any authority at law for Banks to make contributions to charitable organizations, no such donations are to be made by the Banks.

§ 524.13 Accounting. The accounting system for each of the Banks and all accounting forms used by the Banks shall be subject to the approval of the Board.

PART 525—ADVANCES

GENERAL PROVISIONS RESPECTING ADVANCES

Sec.	
525.1	Limitations on advances.
525.2	Lines of credit.
525.3	Interest rates.
525.4	Bank stock collateral.
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525.10	Terms of advances.
525.11	Determination of value of mortgage collateral.
525.12	Joint home and business property.
525.13	Mortgages exceeding \$35,000.
525.14	Past due mortgages.
525.15	Curing of delinquencies on past due mortgages.
525.16	Mortgage moratoria laws.
525.17	Mortgage collateral becoming past due.
525.18	Mortgages subject to prior tax liens.
525.19	Reports on mortgage collateral.
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525.24	Acceleration of maturity.
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Sec.
525.32 Advances for not more than 30 days
or for not more than 6 months.

ADVANCES TO NON-MEMBER MORTGAGEES

525.33 Lines of credit.
525.34 Eligible institutions.
525.35 Rates of interest.
525.36 Applications for advances.

AUTHORITY: §§ 525.1 to 525.36 issued under
sec. 17, 47 Stat. 736, as amended; 12 U. S. C.
1437, Reorg. Plan No. 3 of 1947, 12 F. R. 4981,
3 CFR, 1947 Supp.

GENERAL PROVISIONS RESPECTING ADVANCES

§ 525.1 *Limitations on advances.* A Bank shall not, unless otherwise directed by the Board, advance to any member an aggregate amount in excess of the amount for which such member can legally obligate itself or 50 percent of such member's net assets or 50 percent of such member's liability for shares and deposits, whichever is the least.

§ 525.2 *Lines of credit.* The board of directors or executive committee of each Bank may establish a line of credit for each member not in excess of the member's borrowing capacity. Within the lines of credit so established, the executive officers of each Bank may make advances to such members (subject to compliance by the member with all legal requirements), but a report of advances so made shall, insofar as practicable, be submitted at the next meeting of the board of directors or executive committee of the Bank, whichever meets first: *Provided, however,* That advances authorized under § 525.32 shall be made only in accordance with the specific limitations set forth in such section. Lines of credit shall be reviewed at least every 15 months by the board of directors or executive committee of each Bank, and shall be revised when necessary. Lines of credit shall lapse at the end of 15 months from the date authorized if current information regarding the condition of the member is not available, and thereafter no advances shall be made except upon the specific approval of the board of directors or executive committee of the Bank. In establishing a line of credit for a member, the board of directors or executive committee of the Bank may indicate the amount thereof that may be advanced without pledge of collateral. Reviews of lines of credit shall be comprehensive enough to determine the current condition of a member.

§ 525.3 *Interest rates.* The rates of interest on advances to members shall be established by the board of directors of each Bank, within the range established by the Board.

§ 525.4 *Bank stock collateral.* The Bank's actual possession of fully paid certificates of stock is not necessary under the provisions of section 10 (c) of the act before making an advance to a member. However, the assignment of such stock should be in the note or other form of obligation used.

ADVANCES SECURED BY HOME MORTGAGES OR OBLIGATIONS OF THE UNITED STATES

§ 525.10 *Terms of advances.* The Banks may make advances to members

on the security of home mortgages and/or obligations of the United States, as provided in section 10 of the act, for periods of not to exceed ten years, on a monthly or quarterly amortization basis, with interest thereon payable monthly or quarterly, except that advances for periods not exceeding one year need not be amortized: *Provided, however,* That Banks may, with the prior approval of the Board, also make such advances on a nonamortizable basis to members for periods in excess of one year and not exceeding ten years, subject to such terms, conditions and limitations as the Board may, by resolution or otherwise, prescribe.

§ 525.11 *Determination of value of mortgage collateral.* Subject to the limitations prescribed by the act, each Bank shall exercise its judgment in determining the collateral value of each mortgage.

§ 525.12 *Joint home and business property.* A first mortgage on real estate upon which is located a dwelling or dwellings for not more than four families, if otherwise eligible, does not become ineligible because the real estate also has other improvements thereon, as in the case of what is commonly termed "joint home and business" property.

§ 525.13 *Mortgages exceeding \$35,000.* A home mortgage which was originally written for more than \$35,000 but which has been reduced to \$35,000, or less, may be accepted as collateral, if otherwise eligible.

§ 525.14 *Past due mortgages.* A home mortgage is held to be "past due more than 6 months when presented" if, (a) that date is more than 6 months after its final maturity date, or (b) if at that date, 6 months or more have elapsed since the holder has declared a default of the home mortgage, or (c) if at that date a sum has accrued and remains unpaid equivalent to the required contract payments for a period of 6 months beyond the time when the holder of the mortgage has an option to declare the whole of the debt due and collectible.

§ 525.15 *Curing of delinquencies on past due mortgages.* A mere waiver by the holder of a mortgage of contracted amortization payments shall not constitute a cancellation of such delinquency, but the parties thereto may enter into a written contract modifying the terms of repayment, the effect of which may be to make the mortgage eligible as collateral.

§ 525.16 *Mortgage moratoria laws.* The Banks may give full faith and credit to acts of State legislatures in reference to extending home mortgage indebtedness.

§ 525.17 *Mortgage collateral becoming past due.* A home mortgage which becomes more than 6 months past due while held by a Bank as collateral, may be retained, but the Bank in such cases shall call for such additional collateral as to the Bank may appear to be appropriate for the full and adequate security of its loan.

§ 525.18 *Mortgages subject to prior tax liens.* The Banks are authorized to accept and retain as collateral, home mortgages on property on which there exists a prior tax lien, provided there is not reasonable danger that such property will be sold for taxes. Full consideration shall be given to such unpaid taxes, if any, when fixing the collateral value of such mortgages.

§ 525.19 *Reports on mortgage collateral.* At least annually, each borrowing member shall be required to furnish its Bank with a report of the current status of each home mortgage pledged to said Bank as collateral. The form of the report shall be subject to the approval of the Board.

§ 525.20 *Split mortgages.* In the case of a so-called "split mortgage", where two or more mortgages are written upon identical property but where the contract or contracts provide that a portion of such indebtedness shall be carried as a straight mortgage and a portion as an amortized mortgage, then, if the mortgage is otherwise eligible, that portion which is amortized may be accepted as collateral under the provisions of section 10 (a) (2) or (3) of the act, as the Bank may elect, but that portion which is not amortized may be accepted only under the provisions of section 10 (a) (3) of the act. However, no "split mortgage" shall be accepted as collateral unless the entire mortgage debt is pledged.

§ 525.21 *Additional collateral.* If, during the time an advance is outstanding, a deficiency of eligible collateral should develop, and a satisfactory, corresponding reduction in the amount of the advance cannot be obtained, a Bank may protect its interests by obtaining any collateral which will strengthen its position.

§ 525.25 *Advances secured by other securities.* Advances to members secured by securities other than obligations of the United States may be made by each Bank for periods not to exceed 1 year, under the provisions of section 11 (g) (3) of the act: *Provided,* (a) That the securities so held as collateral constitute an investment in which the member is legally authorized to invest its funds; (b) that such securities have a readily ascertainable market value; and (c) that such securities are not in default with respect to payments of interest or principal. Advances under this section shall not be made in an amount in excess of 80 percent of the market value or principal amount of such securities, whichever is less, provided that advances in amounts not in excess of face value may be made upon the security of consolidated Federal Home Loan Bank obligations.

§ 525.26 *Advances secured by members' deposits.* Advances for periods not exceeding 1 year may be made to a member under the provisions of section 11 (g) (3) of the act, on the security of time deposits of such member, in an amount not exceeding the total amount of said deposits.

UNSECURED ADVANCES

§ 525.30 *Acceleration of maturity.* Unless otherwise authorized by the Board, each note representing an advance under the provisions of section 11 (g) (4) of the act shall provide that in the event the creditor liabilities of the borrower, excepting its liabilities to the Bank, are increased in any manner to an amount exceeding 5 percent of its net assets, the Bank shall have the option of declaring the note immediately due and payable.

§ 525.31 *Advances to pay debts.* Advances under section 11 (g) (4) of the act may be made to a member whose creditor liabilities (not including advances from the Bank) are in excess of 5 percent of its net assets, provided the Bank shall determine that as a result of any such advance the creditor liabilities (not including advances from the Bank) of such member will be reduced to an amount not in excess of 5 percent of its net assets.

§ 525.32 *Advances for not more than 30 days or for not more than 6 months.* In addition to unsecured or secured advances with a maturity of not to exceed 1 year which may be made under the provisions of section 11 (g) (4) of the act, advances for not more than 30 days, on an unsecured basis or on any kind of security that may be readily available, may be made to members under the provisions of section 11 (g) (3) of the act, provided the same have been unanimously approved by the executive committee of a Bank or by a majority of the directors or by two officers of the Bank. Such advances shall either be paid at maturity or refunded with eligible collateral. Advances under the foregoing provisions of this section may also be made with maturity of more than thirty days but not more than six months, provided the resulting aggregate of advances made under this sentence, together with the unpaid principal of any other advances having an unexpired maturity of more than thirty days, except advances made in accordance with or secured as provided in § 125.10, § 125.25, or § 125.26, does not exceed 5 percent of the member's withdrawable accounts. The provisions of the second sentence of this section shall also apply to advances so made.

ADVANCES TO NON-MEMBER MORTGAGEES

§ 525.33 *Lines of credit.* The board of directors or executive committee of each Bank may establish a line of credit for each prospective non-member mortgagee borrower under the provisions of section 10b of the act, which, in the opinion of such board of directors or executive committee, may be safely extended.

§ 525.34 *Eligible institutions.* The term "chartered institutions having succession and subject to the inspection and supervision of some governmental agency" as used in section 10b of the act is deemed to mean institutions which are, by law, subject to the continuous examination and supervision of some governmental agency having legal power and authority to inspect and supervise. An institution may not qualify merely

by contracting with the Federal National Mortgage Association, the Federal Housing Administration, or a similar agency of the Government to furnish audits or to permit examinations.

§ 525.35 *Rates of interest.* In view of the fact that such non-member mortgagees are not required to maintain an investment in the capital stock of a Bank as is required of members, the rates of interest to be charged on advances to non-member mortgagees shall be not less than one-half of 1 per centum nor more than 1 per centum higher than the rates of interest charged to members on advances of like character.

§ 525.36 *Applications for advances.* Applications for such advances shall be made in writing on forms prescribed by the Board. A Bank may at its discretion deny such applications, or may grant them on terms and conditions which are no more liberal than those applicable to advances to members.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 541—DEFINITIONS

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AUTHORITY: §§ 541.1 to 541.16 Issued under sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464, Reorg. Plan No. 3 of 1947, 12 F. R. 4901, 3 CFR, 1947 Supp.

§ 541.1 *Board.* The term "Board" means the Federal Home Loan Bank Board or one or more of its officials who has been duly authorized by the Federal Home Loan Bank Board to act in its behalf.

§ 541.2 *Federal Association.* The term "Federal association" means a Federal savings and loan association chartered by the Board as provided in section 5 of the Home Owners' Loan Act of 1933, as amended.

§ 541.3 *Capital.* The term "capital" means the aggregate of the payments on savings accounts in a Federal association, plus earnings credited thereto, less lawful deductions therefrom.

§ 541.4 *Savings account.* The term "savings account" means the monetary interest of the holder thereof in the capital of a Federal association and consists of the withdrawal value of such interest.

§ 541.5 *Short-term savings account.* The term "short-term savings account" means a savings account in a Federal association which is to be withdrawn in less than twenty-four months from the date on which such account is opened, or a savings account in a Federal associa-

tion established for the purpose of accumulating funds to pay taxes or insurance premiums, or both, in connection with a loan on the security of a lien on real estate.

§ 541.6 *Withdrawal value.* The term "withdrawal value" means the amount paid on a savings account in a Federal association, plus earnings credited thereto, less lawful deductions therefrom.

§ 541.7 *General reserves.* The term "general reserves" means the aggregate amount of reserves of a Federal association established by such association for the sole purpose of meeting losses.

§ 541.8 *Surplus.* The term "surplus" means the undistributed earnings of a Federal association which are held as unallocated reserves for general corporate use.

§ 541.9 *Loans on the security of first liens.* The term "loans on the security of first liens" means loans on the security of any instrument (whether a mortgage, deed of trust, or land contract) which makes the interest in the real estate described therein (whether in fee or in a leasehold extending or renewable automatically for a period of at least 50 years) specific security for the payment of the obligation secured by such instrument, provided the instrument is of such nature that, in the event of default, the real estate described in such instrument could be subjected to the satisfaction of such obligation with the same priority as a first mortgage or a first deed of trust in the jurisdiction where the real estate is located.

§ 541.10 *Home.* The term "home" means real estate upon which there is located a dwelling or dwellings for not more than four families.

§ 541.11 *Combination of home and business property.* The term "combination of home and business property" means real property which is used in part for business purposes and in part for residence purposes for not more than four families, provided the use as a residence is of a bona fide character.

§ 541.12 *Other improved real estate.* The term "other improved real estate" means real estate other than a home or combination home and business property which, because of its state of improvement, produces sufficient income to maintain the property and retire the loan in accordance with the terms thereof.

§ 541.13 *Improved real estate.* The term "improved real estate" means real estate which is, or which from the proceeds of the loan will become, a home, combination of home and business property, or other improved real estate.

§ 541.14 *Installment loan.* The term "installment loan" means any loan repayable in regular periodic payments, equal or unequal, sufficient to retire the debt, interest and principal, within the contract period; *Provided, however,* That the loan contract shall not require any subsequent periodic principal payment to be greater than any previous periodic principal payment.

§ 541.15 Insured loan. The term "insured loan" means a loan that is insured, or as to which the mortgagee is insured, or as to which a commitment for any such insurance has been made under the provisions of either the National Housing Act or the Servicemen's Readjustment Act of 1944, as now or hereafter amended.

§ 541.16 Guaranteed loan. The term "guaranteed loan" means a loan that is guaranteed or as to which a commitment to guarantee has been made under the provisions of the Servicemen's Readjustment Act of 1944, as now or hereafter amended.

PART 542—AMENDMENT OF RULES AND REGULATIONS; HEARINGS

Sec.
542.1 Amendment of rules and regulations.
542.2 Hearings.
542.3 Hearings; compliance with law and regulations.

AUTHORITY: §§ 542.1 to 542.3 issued under sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp.

§ 542.1 Amendment of rules and regulations. The rules and regulations in this subchapter, subject to any specific provisions contained in this subchapter, may be amended in whole or in part at any time in accordance with the provisions set forth in Subchapter A of this chapter.

§ 542.2 Hearings. Any person who has made an application or petition to the Board pursuant to any provision of Parts 543, 544, 545, or 546 of this subchapter may request a hearing thereon, provided such application or petition has been denied or disapproved by the Board. At any time after the filing of any such application or petition and before consideration thereof by the Board, any interested person may request a hearing upon such application or petition. The Board may order a hearing in connection with the consideration of any matter arising under any provision of the rules and regulations in this subchapter, whether or not any request therefor has been made by any person. The Board may deny any request for, or dispense with, any hearing for which this section provides when, in its judgment, no need therefor exists.

§ 542.3 Hearings; compliance with law and regulations. If, in the opinion of the Board, a Federal association is in violation of any law or regulation to which it is subject, the Board in any proceeding under the provisions of section 5 (d) (1) of the Home Owners' Loan Act of 1933, as amended, shall, by formal resolution, state the alleged violation of law or regulation and give written notice to such Federal association of the facts alleged to be such violation, addressed to its home office. Such notice shall contain a statement that it is a formal notice issued pursuant to this section. In the event the Federal association does not correct such violation of law or regulation or perform such legal duty as it may be required to perform within 30 days after the date it shall have been served with such notice, the Board shall give such Federal asso-

ciation 20 days' written notice of the charges against it and of the date on which the Board will conduct a hearing as to such alleged violation or failure to perform. Unless the Federal association consents to another place, the hearing shall be held in the Federal judicial district in which the home office of such association is located. Such hearing shall be conducted in accordance with the pertinent provisions of Part 509 of this chapter. The cost of any hearing pursuant to the provisions hereof, as determined by the Board, may be assessed against the Federal association party to such hearing unless it is found, that such Federal association was not guilty of any of the alleged violations of law, regulation or duty.

PART 543—INCORPORATION, ORGANIZATION, AND CONVERSION

Sec.
543.1 Corporate title.
ORGANIZATION
543.2 Application for permission to organize.
543.3 Subscription to capital.
543.4 Petition for charter.
543.5 Issuance of charter.
543.6 Completion of organization.
543.7 Limitations on transaction of business.
CONVERSION
543.8 Eligibility.
543.9 Preliminary application.
543.10 Approval by members.
543.11 Formal application.
543.12 Organization after conversion.

AUTHORITY: §§ 543.1 to 543.12 issued under sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp.

§ 543.1 Corporate title. The full corporate title of each Federal association shall include the words "Federal Savings and Loan Association", which shall be preceded by a suitable descriptive word and may be followed by the words "of _____", using the name of the place in which such association is organized or at which its home office is located: *Provided*, That the name of the place, if used, shall not include the name of the State: *And provided further*, That the Board shall have the right to change the name requested if, in the Board's judgment, such name is inappropriate or is not suitable.

ORGANIZATION

§ 543.2 Application for permission to organize—(a) Form. Persons who desire to organize a Federal association shall first execute in triplicate an application, in form prescribed by the Board, for permission to organize such an association before taking any other action in connection therewith. (The Board has prescribed a form of Application for Permission to Organize; copies may be obtained from the Federal Home Loan Bank Board, Washington, D. C.; or from any Federal home loan bank.)

(b) Filing. Upon execution of an application for permission to organize by 5 responsible citizens (referred to in this part as the "applicants") the original and two copies thereof shall be submitted to the Board through the Federal home loan bank of the district in which it is

intended to organize such association. The applicants shall submit with their application statements, exhibits, maps, and other data, together with an affidavit that the representations made thereby are consistent with the facts to the best of the applicants' information and belief, which data shall be sufficiently detailed and comprehensive to enable the Board to pass upon the application as to (1) the character and responsibility of the applicants; (2) the necessity for such Federal association in the community to be served; (3) reasonable probability of its usefulness and success; and (4) whether or not such Federal association can be established without undue injury to properly conducted existing local thrift and home-financing institutions.

(c) Hearing. If the Board does not deny the application on the basis of the data submitted by the applicants and any other information in its possession without a hearing, it will set a date on which a hearing may be held and the applicants will be directed to have published at least 20 days before such date in a newspaper printed in the English language of general circulation in the county in which the proposed Federal association will have its office, a notice in the following form, unless another form is prescribed by the Board:

Notice is hereby given that the applicants listed below have applied to the Federal Home Loan Bank Board for permission to organize a Federal association to be located in _____ (City) _____ (State)

A hearing will be held on the application at _____ o'clock in the _____ noon on _____, 19____, in Room 827, Federal Home Loan Bank Board Building, Washington, D. C., if written notice of intention to appear in person or by attorney to protest the application is received by the Federal Home Loan Bank Board from one or more persons at least 10 days before that date. If no such notice has been received by the Federal Home Loan Bank Board at least 10 days before said date, the hearing will be dispensed with unless otherwise ordered by the said Board.

The applicants shall file with the Board at least 10 days before the date set for the hearing an affidavit of publication of the notice giving the date of publication and the name of the newspaper in which it was published. The applicants shall also promptly, after receipt of a copy of the resolution providing for the hearing, cause a copy of the notice to be mailed to the state supervisor of institutions of a similar type of the state in which the proposed Federal association will be located. If at least 10 days before the date set for the hearing the Board has received no written statements of intention to appear in person or by attorney to protest the application from one or more parties, the hearing will be dispensed with unless otherwise ordered by the Board. The Board will notify the applicants at least 5 days before the date of the hearing whether or not a hearing will be held. Notwithstanding any other provisions of this subchapter, the Board may at any time dispense with any hearing on an application for permission to organize a Federal association.

(d) Approval. If the Board approves the application it will establish, as conditions to be met prior to the issuance of

a charter, requirements as to (1) minimum number of subscribers to the association's capital; (2) minimum amount of capital to be paid into the association's savings accounts upon issuance of a charter to it; (3) guarantee by the organizers or others of the association's organization and operating expenses; and (4) such other requirements as it deems necessary or desirable. Approval of an application for permission to organize a Federal association will not in any manner obligate the Board to issue a charter.

§ 543.3 *Subscription to capital.* Upon approval by the Board of an application for permission to organize a Federal association, the applicants shall constitute the organization committee and shall perfect a temporary organization by electing a chairman, vice-chairman, and a secretary, who shall act as the temporary officers of such association until their successors are duly elected and qualified. Such temporary officers may thereupon proceed to effect compliance with any conditions prescribed by the Board, including the securing of subscriptions to such Federal association's capital in the following form (referred to in this part as "subscription to capital"):

(City) (State)

(Date)

FEDERAL HOME LOAN BANK BOARD,
Washington, D. C.

Having been given permission to organize a Federal association, the undersigned hereby subscribe for the amount of capital indicated below, and contract to pay into a savings account, upon the issuance of a charter, the amount of cash stated opposite their respective names below. We agree to cooperate in the development of such an association for the promotion of local savings and home-financing.

(Name) (Address)

(Amount of capital to be paid in cash upon
issuance of charter)

§ 543.4 *Petition for charter—(a) Form.* When the required minimum number of persons shall have subscribed for the required minimum amount of capital and shall have agreed to pay such amount in cash upon issuance of a charter by the Board, and when any other conditions prescribed by the Board shall have been met, a petition addressed to the Board shall be signed by the temporary officers, as provided in § 543.3, requesting the Board to issue a charter under a name chosen by the petitioners or such other name as the Board may deem appropriate. Such petition for charter shall state that (1) the applicants have complied in all respects with the Home Owners' Loan Act of 1933, as amended, and with the rules and regulations governing the organization of a Federal association; (2) the applicants have incurred no expense in connection with the formation of such association

which is chargeable to it and that no such expenses will be incurred; (3) no money will be collected on account of such association prior to issuance of a charter to it by the Board; (4) an organization committee has been created (naming such committee and the officers thereof); and (5) the organization committee will organize such association upon the issuance of a charter by the Board and will serve as temporary officers of such association until officers thereof are elected by such association's board of directors as provided in § 543.6.

(b) *Filing.* The petition for charter, together with evidence of compliance with the conditions prescribed by the Board in approving the application for permission to organize, including the original and a duplicate copy of subscriptions to capital, shall be promptly submitted in duplicate to the Board through the Federal home loan bank of the district in which such association is to be located.

§ 543.5 *Issuance of charter.* The Board will take action issuing or denying a charter after receipt of evidence as to compliance by the applicants with the conditions prescribed by the Board. The action of the Board shall be final. If a petition for charter is approved by the Board a charter will be issued as provided in § 544.1 of this subchapter.

§ 543.6 *Completion of organization—*

(a) *Organization meeting.* Promptly upon receipt of a charter for a Federal association, the temporary officers thereof shall call a meeting of the subscribers to such association's capital; the notice of such meeting shall be mailed to each such subscriber at least 5 days prior to the date of such meeting. Subscribers who have subscribed for a majority of such Federal association's capital, present in person or by proxy, shall constitute a quorum for the transaction of business. At such organization meeting directors of such Federal association shall be elected according to the provisions of the association's charter and bylaws, and such other action may be taken by such subscribers as is permitted by such charter and bylaws; any action taken at any such meeting under such charter and bylaws shall be deemed an acceptance by such Federal association of its charter, and of the bylaws, which shall be in the form provided in § 544.5 of this subchapter.

(b) *First meeting of directors.* Immediately after election, as hereinabove provided, the board of directors of such Federal association shall hold its first meeting and shall at that time elect officers of the association as prescribed by its charter and bylaws and shall take such other action as may be necessary to permit such association to be operated in accordance with section 5 of the Home Owners' Loan Act of 1933, as amended, the association's charter and bylaws, and these rules and regulations. When such officers have been bonded as provided in § 545.12 of this subchapter, they shall forthwith collect the sums due on subscriptions to such Federal association's capital.

(c) *Membership in Federal home loan bank.* Upon issuance of a charter to a

Federal association it shall promptly qualify as a member of a Federal home loan bank.

(d) *Insurance of accounts.* Upon the issuance of a charter to a Federal association it shall promptly meet all requirements necessary to obtain insurance of its accounts by the Federal Savings and Loan Insurance Corporation.

(e) *Failure to complete.* The organization of a Federal association is not completed until the organization meeting of subscribers to its capital and the first meeting of its directors have been held, as hereinabove provided, and the permanent officers have been bonded and such association is in possession of the minimum amount of cash required to be paid in on subscriptions to its capital: *Provided*, That the Board may specify additional requirements before organization shall be deemed to have been completed. In the event that the organization of a Federal association is not so completed within a period of six months after the issuance of its charter, such charter shall become void and all amounts collected by such association on subscriptions to its capital shall thereupon be returned to the respective subscribers to such capital or to their assigns.

§ 543.7 *Limitations on transaction of business.* No person shall proceed to organize a Federal association or to collect any money from others for such purpose, or represent himself as authorized so to do, and no Federal association shall transact any business prior to the completion of the organization thereof, except as provided in this part.

CONVERSION

§ 543.8 *Eligibility.* Any member of a Federal home loan bank may convert itself into a Federal association upon such terms and conditions as the Board may prescribe and upon a vote of not less than 51 percent of the votes cast at a legal meeting called to consider such action: *Provided*, That such member shall comply with all laws, if any, of its jurisdiction which expressly provide for conversion into a Federal association, and with the rules and regulations in this subchapter.

§ 543.9 *Preliminary application—(a) Form.* Any member of a Federal home loan bank that desires to convert into a Federal association, hereinafter referred to as "applicant", may, after approval by its board of directors, file its preliminary application for conversion in form prescribed by the Board; any institution which is not a member of a Federal home loan bank but which is eligible to apply for such membership may likewise file simultaneously its application for such membership and its preliminary application for conversion. (The Board has prescribed a form of "Preliminary Application for Conversion into a Federal Association", copies of which may be obtained from the Federal Home Loan Bank Board, Washington, D. C., or from any Federal home loan bank.)

(b) *Filing.* A preliminary application for conversion into a Federal association shall be filed in duplicate with the Board through the Federal home loan bank of which the applicant is or proposes to become a member. The applicant shall

submit such financial statements and such other information as the Board may require and shall pay all costs, as determined by the Board, arising out of the Board's consideration of the application; the applicant shall also submit with its preliminary application a statement showing the plan of conversion, which shall expressly provide for (1) appropriate reserves and surplus for the Federal association; (2) satisfaction in full or assumption by the Federal association of all creditor obligations of the applicant; (3) issuance by the Federal association of its savings accounts to the holders of withdrawable accounts of the applicant in an amount equivalent to the value of their accounts, including the present value of any preferences to which any of such holders are entitled; and (4) issuance by the Federal association of its savings accounts to all holders of guarantee, permanent, reserve fund, or other nonwithdrawable capital stock of the applicant in an amount equivalent to the value of such stock.

(c) *Board action.* The Board will consider the preliminary application for conversion, together with such information and reports of examination, audit, and appraisal as may have been submitted to or required by the Board, and will either approve or disapprove such application; approval may be conditional.

§ 543.10 *Approval by members.* Upon approval by the Board of a preliminary application for conversion into a Federal association the applicant shall proceed promptly to comply with all conditions prescribed in such approval and to obtain the vote of its members required by the laws of the jurisdiction to which the applicant is subject, if any, which expressly provide for conversion into a Federal association, and in any event to obtain the vote required by section 5 (i) of the Home Owners' Loan Act of 1933, as amended, in favor of the plan of conversion as approved by the Board, and to comply with all other necessary legal formalities; the Board reserves the right to cancel its approval of a preliminary application for conversion into a Federal association in the event an applicant fails to obtain promptly the approval of its members as provided in this section.

§ 543.11 *Formal application—(a) Form.* Upon approval by its members of the plan of conversion, as provided in § 543.10, the applicant may file its formal application for conversion into a Federal association in form prescribed by the Board. (The Board has prescribed a form of "Application for Conversion into a Federal Association", copies of which may be obtained from the Federal Home Loan Bank Board, Washington, D. C., or from any Federal home loan bank.)

(b) *Filing.* The formal application for conversion into a Federal association shall be filed in duplicate with the Board through the Federal home loan bank of which the applicant is or proposes to become a member; such application shall be accompanied by evidence satisfactory to the Board showing compliance by the applicant with all conditions prescribed by the Board in its approval of the preliminary application for conversion into a Federal association and, unless the

applicant is insured by the Federal Savings and Loan Insurance Corporation, by formal application for insurance of accounts.

(c) *Issuance of charter.* No formal application for conversion into a Federal association will be approved by the Board unless the applicant shall have been approved for membership in a Federal home loan bank. Upon approval by the Board of a formal application for conversion into a Federal association, the Board will issue a Charter, as provided in § 544.1 of this subchapter; conversion into a Federal association is completed upon the issuance of such charter and upon compliance with all relevant requirements of law, if any, which expressly provide for such conversion.

§ 543.12 *Organization after conversion.* Upon issuance of a Federal charter, as provided in § 543.11, a legal meeting of the members of such Federal association shall be held promptly, after due notice unless held upon a valid adjournment of a previous legal meeting. At such meeting directors shall be elected and such other action shall be taken as is necessary fully to carry into effect the conversion as approved by the Board and to operate such Federal association in accordance with the law and the rules and regulations in this subchapter. Immediately thereafter the board of directors shall meet, elect officers, and transact such other business as may be necessary and proper. Such association shall not represent itself as a Federal association until the meetings have been held and the required actions taken as provided in this part.

PART 544—CHARTER AND BYLAWS

CHARTER

- Sec.
544.1 Issuance of charter.
544.2 Pending applications.
544.3 Adoption of Charter N or Charter K (rev.).
544.4 Evidence of corporate existence.

BYLAWS

- 544.5 Prescribed form.
544.6 Amendment to bylaws.

AVAILABILITY

- 544.7 In offices of association.
544.8 Amendment of Charter K.

AUTHORITY: §§ 544.1 to 544.8 issued under sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp.

CHARTER

§ 544.1 *Issuance of charter—(a) Charter N.* Except as provided in paragraph (b) of this section and in § 544.2, the following form of charter, which shall be known as Charter N, will be issued on and after the effective date of the rules and regulations in this subchapter, upon approval by the Board of any petition for a charter for a Federal association pursuant to the provisions of subsections (a) or (i) of section 5 of Home Owners' Loan Act of 1933, as amended:

CHARTER N

1. *Corporate title.* The full corporate title of the Federal association hereby chartered is _____ Federal Savings and Loan Association _____

2. *Office.* The home office shall be located at _____, in the County of _____, State of _____

3. *Objects and powers.* The objects of the association are to promote thrift by providing a convenient and safe method for people to save and invest money and to provide for the sound and economical financing of homes; and, in the accomplishment of such objects, it shall have perpetual succession and power: (1) To act as fiscal agent of the United States when designated for that purpose by the Secretary of the Treasury, under such regulations as he may prescribe, and shall perform all such reasonable duties as fiscal agent of the United States as he may require and to act as agent for any other instrumentality of the United States when designated for that purpose by any such instrumentality; (2) To sue and be sued, complain and defend in any court of law or equity; (3) To have a corporate seal, affixed by imprint, facsimile or otherwise; (4) To appoint officers and agents as its business shall require, and allow them suitable compensation; (5) To adopt bylaws not inconsistent with the Constitution or laws of the United States and rules and regulations adopted thereunder and this charter; (6) To raise its capital, which shall be unlimited, by accepting payments on savings accounts representing share interests in the association; (7) To borrow money; (8) To lend and otherwise invest its funds; (9) To wind up and dissolve, merge, consolidate, convert, or reorganize; (10) To purchase, hold, and convey real and personal estate consistent with its objects, purposes, and powers; (11) To mortgage or lease any real and personal estate and take such property by gift, devise, or bequest; and (12) To exercise all powers conferred by law. In addition to the foregoing powers expressly enumerated, this association shall have power to do all things reasonably incident to the accomplishment of its express objects and the performance of its express powers. It shall exercise its powers in conformity with all laws of the United States as they now are, or as they may hereafter be amended, and with all rules and regulations which are not in conflict with this charter now or hereafter made thereunder.

4. *Members.* All holders of the association's savings accounts and all borrowers therefrom are members. In the consideration of all questions requiring action by the members of the association, each holder of a savings account shall be permitted to cast one vote for each \$100, or fraction thereof, of the withdrawal value of his account. A borrowing member shall be permitted, as a borrower, to cast one vote, and to cast the number of votes to which he may be entitled as the holder of a savings account. No member, however, shall cast more than 50 votes. Voting may be by proxy. Any number of members present at a regular or special meeting of the members shall constitute a quorum. A majority of all votes cast at any meeting of members shall determine any question. The members who shall be entitled to vote at any meeting of the members shall be those owning savings accounts and borrowing members of record on the books of the association at the end of the calendar month next preceding the date of such meeting. The number of votes which each member shall be entitled to cast at any meeting of the members shall be determined from the books of the association as of the end of the calendar month next preceding the date of such meeting. Those who were members at the end of the calendar month next preceding the date of a meeting of members but who shall have ceased to be members prior to such meeting shall not be entitled to vote thereat. All savings accounts shall be nonassessable.

5. *Directors.* The association shall be under the direction of a board of directors of not less than 5 nor more than 15, as fixed in the association's bylaws or, in the absence of any such bylaw provision, as from time to

time expressly determined by resolution of the association's members. Each director of the association shall be a member of the association, and a director shall cease to be a director when he ceases to be a member. Directors of the association shall be elected by its members by ballot: *Provided*, That in the event of a vacancy in the directorate, including vacancies created by an increase in the number of directors, the board of directors may fill such vacancy, if the members of the association fail so to do, by electing a director to serve until the next annual meeting of the members. Directors shall be elected for periods of 3 years and until their successors are elected and qualified, but provision shall be made for the election of approximately one-third of the board of directors each year.

6. *Withdrawals.* The association shall have the right to pay the withdrawal value of its savings accounts at any time upon application therefor and to pay the holders thereof the withdrawal value thereof. Upon receipt of a written request from any holder of a savings account of the association for the withdrawal from such account of all or any part of the withdrawal value thereof, the association shall within 30 days pay the amount requested: *Provided*, That if the association is unable to pay all withdrawals requested at the end of 30 days from the date of such requests, it shall then pay all withdrawals requested in accordance with such methods and procedures as to amounts and allotments of funds for such purposes as shall be provided in regulations made by the Federal Home Loan Bank Board in effect at the date of the request for withdrawal. Holders of savings accounts for which application for withdrawal has been made shall remain holders of savings accounts until paid and shall not become creditors.

7. *Redemption.* At any time sufficient funds are on hand, the association shall have the right to redeem, by lot or otherwise as the board of directors may determine, all or any part of any of its savings accounts on June 30 or December 31, by giving 30 days' notice of such redemption by registered mail addressed to the holder of each such savings account at his last address as recorded on the books of the association. The association may not redeem any of its savings accounts when there is an impairment of its capital or when it has any request for withdrawal which has been on file and unpaid for more than 30 days. The redemption price of each savings account redeemed shall be the full value thereof, as determined by the board of directors, but in no event shall the redemption price be less than the withdrawal amount of such savings account. If a savings account which is redeemed is entitled to participate in any reserve for bonus, the amount in such reserve for bonus which is properly allocable to such savings account shall be paid as part of the redemption price thereof. If any notice of redemption shall have been duly given, and if the funds necessary for such redemption shall have been set aside so as to be and to continue to be available for that purpose, earnings upon such account shall cease to accrue from and after the date specified as the redemption date and all rights with respect to each such account shall forthwith, after such redemption date, terminate, except only the right of the holder of record of such savings account to receive the redemption price thereof without earnings.

8. *Loans and investments.* The association may make any loan or investment authorized by statute and the rules and regulations made by the Home Loan Bank Board and in effect on August 15, 1949; it may make such additional loans and investments as may thereafter be authorized by amendments of the said rules and regulations.

9. *Power to borrow.* The association may borrow money in an aggregate amount not

exceeding one-half of its capital; the amount which may be borrowed from sources other than a Federal home loan bank shall not exceed one-tenth of such capital. Notwithstanding the foregoing limitations, the association may, with prior approval by the Federal Home Loan Bank Board, borrow from a Federal home loan bank or from any Federal agency or instrumentality without limitation, upon such terms and conditions as may be required by such bank or agency. The association may pledge and otherwise encumber any of its assets to secure its debts.

10. *Reserves, surplus, and distribution of earnings.* The association shall maintain general reserves for the sole purpose of meeting losses; such reserves shall include the reserve required for insurance of accounts. Any losses may be charged against general reserves. If and whenever the general reserves of the association are not equal to at least 10 percent of its capital, it shall, as of June 30 and December 31 of each year, credit to such reserves an amount equivalent to at least 5 percent of its net earnings for the 6 months' period, or such amount as may be required by the Federal Savings and Loan Insurance Corporation, whichever is greater, until such reserves are equal to at least 10 percent of the association's capital. As of June 30 and December 31 of each year, after payment or provision for payment of all expenses, credits to general reserves and such credits to surplus as the board of directors may determine, and provision for bonus on savings accounts as authorized by regulations made by the Federal Home Loan Bank Board, the board of directors of the association shall cause the remainder of the net earnings of the association for the 6 months' period to be distributed promptly on its savings accounts, ratably, as declared by the board of directors, to the withdrawal value thereof; in lieu of or in addition to such net earnings, any of the association's surplus funds may be likewise distributed. Such net earnings shall be credited to savings accounts or paid, as directed by the owner. All holders of savings accounts shall participate at the same rate and on the same basis in the distribution of earnings: *Provided*, That the association is not required to distribute earnings on short-term savings accounts or on accounts of \$10 or less. Except as provided above, earnings shall be declared on all savings accounts of record at the close of each such 6 months' period, on the withdrawal value of each such account at the beginning of the said 6 months' period, plus the payments made thereon during such period (less amounts withdrawn, and, for purposes of participation in earnings, deducted from the latest previous payments), computed at the declared rate for the time invested, determined as provided below. The date of investment shall be the date of actual receipt of such payments by the association, unless the board of directors fixes a date, not later than the tenth of the month, for determining the date of investment of payments on savings accounts or designated classes thereof. Payments, affected by such determination date, received by the association on or before such determination date shall receive earnings as if invested on the first of such month. Payments, affected by such determination date, received subsequent to such determination date shall receive earnings as if invested on the first of the next succeeding month. Notwithstanding any other provision of its charter, the association may distribute net earnings on its savings accounts on such other basis and in accordance with such other terms and conditions as may from time to time be authorized by regulations made by the Federal Home Loan Bank Board. All holders of savings accounts of the association shall be entitled to equal distribution of assets, pro rata to the value of their savings accounts, in the event of voluntary or involuntary liquidation, dissolution, or winding up of the association.

11. *Amendment of charter.* No amendment, addition, alteration, change, or repeal of this charter shall be made unless such proposal is made by the board of directors of the association, and submitted to and approved by the Federal Home Loan Bank Board, and is thereafter submitted to and approved by the members at a legal meeting. Any amendment, addition, alteration, change, or repeal so acted upon and approved shall be effective, if filed with and approved by the Federal Home Loan Bank Board, as of the date of the final approval of, or as fixed by, the members.

FEDERAL HOME LOAN BANK BOARD,

By _____
(Chairman)

Attest:

(Secretary)

(b) *Charter K (rev.)*. If expressly requested in the Petition for Charter, or in the Application for Conversion into a Federal association, the Board, in lieu of Charter N, will issue a Charter K (rev.), reading as follows:

CHARTER K (REV.)

1. *Corporate title.* The full corporate title of the Federal association hereby chartered is _____ Federal Savings and Loan Association _____.

2. *Office.* The home office shall be located at _____, in the County of _____, State of _____.

3. *Objects and powers.* The objects of the association are to promote thrift by providing a convenient and safe method for people to save and invest money and to provide for the sound and economical financing of homes; and, in the accomplishment of such objects, it shall have perpetual succession and power: (1) To act as fiscal agent of the United States when designated for that purpose by the Secretary of the Treasury, under such regulations as he may prescribe, and shall perform all such reasonable duties as fiscal agent of the United States as he may require and to act as agent for any other instrumentality of the United States when designated for that purpose by any such instrumentality; (2) To sue and be sued, complain and defend in any court of law or equity; (3) To have a corporate seal, affixed by imprint, facsimile or otherwise; (4) To appoint officers and agents as its business shall require, and allow them suitable compensation; (5) To adopt bylaws not inconsistent with the Constitution or laws of the United States and rules and regulations adopted thereunder and this charter; (6) To raise its capital, which shall be unlimited, by accepting payments on savings accounts representing share interests in the association; (7) To borrow money; (8) To lend and otherwise invest its funds; (9) To wind up and dissolve, merge, consolidate, convert, or reorganize; (10) To purchase, hold, and convey real and personal estate consistent with its objects, purposes, and powers; (11) To mortgage or lease any real and personal estate and take such property by gift, devise, or bequest; and (12) To exercise all powers conferred by law. In addition to the foregoing powers expressly enumerated, this association shall have power to do all things reasonably incident to the accomplishment of its express objects and the performance of its express powers. It shall exercise its powers in conformity with all laws of the United States as they now are, or as they may hereafter be amended, and with all rules and regulations which are not in conflict with this charter now or hereafter made thereunder.

4. *Members.* All holders of the association's savings accounts and all borrowers therefrom are members. In the consideration of all questions requiring action by the members of the association, each holder of

a savings account shall be permitted to cast one vote for each \$100, or fraction thereof, of the withdrawal value of his account. A borrowing member shall be permitted, as a borrower, to cast one vote, and to cast the number of votes to which he may be entitled as the holder of a savings account. No member, however, shall cast more than 50 votes. Voting may be by proxy. Any number of members present at a regular or special meeting of the members shall constitute a quorum. A majority of all votes cast at any meeting of members shall determine any question. The members who shall be entitled to vote at any meeting of the members shall be those owning savings accounts and borrowing members of record on the books of the association at the end of the calendar month next preceding the date of such meeting. The number of votes which each member shall be entitled to cast at any meeting of the members shall be determined from the books of the association as of the end of the calendar month next preceding the date of such meeting. Those who were members at the end of the calendar month next preceding the date of a meeting of members but who shall have ceased to be members prior to such meeting shall not be entitled to vote thereat. All savings accounts shall be nonassessable.

5. **Directors.** The association shall be under the direction of a board of directors of not less than 5 nor more than 15, as fixed in the association's bylaws or, in the absence of any such bylaw provision, as from time to time expressly determined by resolution of the association's members. Each director of the association shall be a member of the association, and a director shall cease to be a director when he ceases to be a member. Directors of the association shall be elected by its members by ballot: *Provided*, That in the event of a vacancy in the directorate, including vacancies created by an increase in the number of directors, the board of directors may fill such vacancy, if the members of the association fail so to do, by electing a director to serve until the next annual meeting of the members. Directors shall be elected for periods of 3 years and until their successors are elected and qualified, but provision shall be made for the election of approximately one-third of the board of directors each year.

6. **Withdrawals.** The association shall have the right to pay the withdrawal value of its savings accounts at any time upon application therefor and to pay the holders thereof the withdrawal value thereof. Upon receipt of a written request from any holder of a savings account of the association for the withdrawal from such account of all or any part of the withdrawal value thereof, the association shall within 30 days pay the amount requested: *Provided*, That if the association is unable to pay all withdrawals requested at the end of 30 days from the date of such requests, it shall then proceed in the following manner while any withdrawal request remains unpaid for more than 30 days:

Withdrawal requests shall be paid in the order received and if any holder of a savings account or accounts has requested the withdrawal of more than \$1,000, he shall be paid \$1,000 in order when reached and his withdrawal request shall be charged with such amount as paid and shall be renumbered and placed at the end of the list of withdrawal requests, and thereafter, upon again being reached, shall be paid a like amount, but not exceeding the withdrawal value of his savings account, and until such withdrawal request shall have been paid in full, shall continue to be so paid, renumbered, and replaced at the end of the withdrawal requests on file: *Provided*, That when any such request is reached for payment, the association shall so advise the holder of such savings account by registered mail to his last

address as recorded on the books of the association and, unless such holder shall apply in person or in writing for the payment of such withdrawal request within 30 days from the date of the mailing of such notice, no payment on account of such withdrawal request shall be made and such request shall be cancelled: *And provided further*, That the board of directors shall have absolute right to pay on an equitable basis an amount not exceeding \$200 to any holder of a savings account or accounts in any calendar month and without regard to any other provision of this section.

When the association is unable to pay all withdrawal requests within a period not exceeding 30 days from the date of receipt of written request therefor it shall allot to the payment of such requests the remainder of the association's receipts from all sources after deducting from total receipts appropriate amounts for expenses, required payments on indebtedness, earnings distributable in cash to holders of savings accounts, and a fund for general corporate purposes equivalent to not more than 20 percent of the association's receipts from holders of its savings accounts and from its borrowers. Holders of savings accounts for which application for withdrawal has been made shall remain holders of savings accounts until paid and shall not become creditors.

7. **Redemption.** At any time sufficient funds are on hand, the association shall have the right to redeem, by lot or otherwise as the board of directors may determine, all or any part of any of its savings accounts on June 30 or December 31, by giving 30 days' notice of such redemption by registered mail addressed to the holder of each such savings account at his last address as recorded on the books of the association. The association may not redeem any of its savings accounts when there is an impairment of its capital or when it has any request for withdrawal which has been on file and unpaid for more than 30 days. The redemption price of each savings account redeemed shall be the full value thereof, as determined by the board of directors, but in no event shall the redemption price be less than the withdrawal amount of such savings account. If a savings account which is redeemed is entitled to participate in any reserve for bonus, the amount in such reserve for bonus which is properly allocable to such savings account shall be paid as part of the redemption price thereof. If any notice of redemption shall have been duly given, and if the funds necessary for such redemption shall have been set aside so as to be and to continue to be available for that purpose, earnings upon such account shall cease to accrue from and after the date specified as the redemption date and all rights with respect to each such account shall forthwith, after such redemption date, terminate, except only the right of the holder of record of such savings account to receive the redemption price thereof without earnings.

8. **Loans and investments.** The association may make any loan or investment authorized by statute and the rules and regulations made by the Home Loan Bank Board and in effect on August 15, 1949; it may make such additional loans and investments as may thereafter be authorized by amendments of the said rules and regulations.

9. **Power to borrow.** The association may borrow money in an aggregate amount not exceeding one-half of its capital; the amount which may be borrowed from sources other than a Federal home loan bank shall not exceed one-tenth of such capital. Notwithstanding the foregoing limitations, the association may, with prior approval by the Federal Home Loan Bank Board, borrow from a Federal home loan bank or from any Federal agency or instrumentality without limitation, upon such terms and conditions as may be required by such bank or agency.

The association may pledge and otherwise encumber any of its assets to secure its debts.

10. **Reserves, surplus, and distribution of earnings.** The association shall maintain general reserves for the sole purpose of meeting losses; such reserves shall include the reserve required for insurance of accounts. Any losses may be charged against general reserves. If and whenever the general reserves of the association are not equal to at least 10 percent of its capital, it shall, as of June 30 and December 31 of each year, credit to such reserves an amount equivalent to at least 5 percent of its net earnings for the 6 months' period, or such amount as may be required by the Federal Savings and Loan Insurance Corporation, whichever is greater, until such reserves are equal to at least 10 percent of the association's capital. As of June 30 and December 31 of each year, after payment or provision for payment of all expenses, credits to general reserves and such credits to surplus as the board of directors may determine, and provision for bonus on savings accounts as authorized by regulations made by the Federal Home Loan Bank Board, the board of directors of the association shall cause the remainder of the net earnings of the association for the 6 months' period to be distributed promptly on its savings accounts, ratably, as declared by the board of directors, to the withdrawal value thereof; in lieu of or in addition to such net earnings, any of the association's surplus funds may be likewise distributed. Such net earnings shall be credited to savings accounts or paid, as directed by the owner. All holders of savings accounts shall participate at the same rate and on the same basis in the distribution of earnings: *Provided*, That the association is not required to distribute earnings on short-term savings accounts or on accounts of \$10 or less. Except as provided above, earnings shall be declared on all savings accounts of record at the close of each such 6 months' period, on the withdrawal value of each such account at the beginning of the said 6 months' period, plus the payments made thereon during such period (less amounts withdrawn, and, for purposes of participation in earnings, deducted from the latest previous payments), computed at the declared rate for the time invested, determined as provided below. The date of investment shall be the date of actual receipt of such payments by the association, unless the board of directors fixes a date, not later than the tenth of the month, for determining the date of investment of payments on savings accounts or designated classes thereof. Payments, affected by such determination date, received by the association on or before such determination date, shall receive earnings as if invested on the first of such month. Payments, affected by such determination date, received subsequent to such determination date, shall receive earnings as if invested on the first of the next succeeding month. Notwithstanding any other provision of its charter, the association may distribute net earnings on its savings accounts on such other basis and in accordance with such other terms and conditions as may from time to time be authorized by regulations made by the Federal Home Loan Bank Board. All holders of savings accounts of the association shall be entitled to equal distribution of assets, pro rata to the value of their savings accounts, in the event of voluntary or involuntary liquidation, dissolution, or winding up of the association.

11. **Amendment of charter.** No amendment, addition, alteration, change, or repeal of this charter shall be made unless such proposal is made by the board of directors of the association, and submitted to and approved by the Federal Home Loan Bank Board, and is thereafter submitted to and approved by the members at a legal meeting.

RULES AND REGULATIONS

Any amendment, addition, alteration, change, or repeal so acted upon and approved shall be effective, if filed with and approved by the Federal Home Loan Bank Board, as of the date of the final approval of, or as fixed by, the members.

FEDERAL HOME LOAN BANK BOARD,

By _____
(Chairman)

Attest:

(Secretary)

§ 544.2 Pending applications. All pertinent provisions of Part 542 of this subchapter in effect prior to the effective date hereof shall remain in full force and effect as to any formal applications made prior to such date for permission to organize a Federal association under the provisions of section 5 (a), or to convert to a Federal association under the provisions of section 5 (d), of the Home Owners' Loan Act of 1933, as amended.

§ 544.3 Adoption of Charter N or Charter K (rev.). A Federal association that has a Charter E or a Charter K may amend such charter in its entirety to read in the form of Charter N or Charter K (rev.), by majority vote of such association's members present at any duly called regular or special meeting of members and the members of a Charter N Federal association may similarly amend such association's charter in its entirety to read in the form of Charter K (rev.): *Provided*, That, in the case of a Federal association that has a Charter K or Charter N, the board of directors of such association shall first have proposed such amendment, and the provisions of this section shall be deemed to be the approval by the Board of such proposal. Upon receipt of the following petition from a Federal association that has amended its charter as provided in this section, the Board will issue to such Federal association, as requested by it a Charter N or a Charter K (rev.) in the same name and showing the same location of home office as is prescribed in such association's present charter, unless the Board when petitioned approves a change in such name or location:

FEDERAL HOME LOAN BANK BOARD,
Washington, D. C.

The undersigned, pursuant to § 544.3 of the rules and regulations for the Federal Savings and Loan System, respectfully petitions the Board to issue an amended charter in the form of Charter (insert "N" or "K (rev.)", as voted by the members), to the undersigned, fixing the name and home office of the undersigned which its present charter prescribes.

The undersigned, by its secretary, hereby certifies that the members at a meeting duly called and held adopted the following resolution:

Be it resolved, That the present charter of this association be amended to read in the form of Charter (insert "N" or "K (rev.)", as voted by the members) as set forth in § 544.1 of the rules and regulations for the Federal Savings and Loan System, prescribing the present name and home office fixed by the present charter of this association.

In witness whereof, the Secretary of the undersigned has hereunto affixed his hand and the seal of the undersigned this ____ day of _____, 19____

FEDERAL SAVINGS AND
LOAN ASSOCIATION

[CORPORATE SEAL] By _____

§ 544.4 Evidence of corporate existence. The issuance of a charter to a Federal association shall constitute the incorporation of such Federal association by the Board; the charter of a Federal association, or a certified copy thereof under the seal of the Board, shall be evidence of the corporate existence of such Federal association.

BYLAWS

§ 544.5 Prescribed form. A Federal association that has a Charter N or Charter K (rev.) shall operate under the following prescribed bylaws, unless and until such bylaws are amended in accordance with the procedure therein set forth:

1. **Annual meetings of members.** The annual meeting of the members of the association for the election of directors and for the transaction of any other business of the association shall be held at its home office at 2 o'clock in the afternoon on the third Wednesday in January of each year, if not a legal holiday, or if a legal holiday then on the next succeeding day not a legal holiday. The annual meeting may be held at such other time on such day or at such other place in the same community as the board of directors may determine. At each annual meeting, the officers shall make a full report of the financial condition of the association and of its progress for the preceding year, and shall outline a program for the succeeding year. Annual meetings of the members shall be conducted in accordance with Roberts' Rules of Order.

2. **Special meetings of members.** Special meetings of the members of the association may be called at any time by the president or the board of directors, and shall be called by the president, a vice president, or the secretary upon the written request of members holding of record in the aggregate at least one-tenth of the capital of the association. Such written request shall state the purposes of the meeting and shall be delivered at the home office of the association addressed to the president. Special meetings of the members shall be conducted in accordance with Roberts' Rules of Order.

3. **Notice of meeting of members.** (a) Notice of each annual meeting shall be either published once a week for the two successive calendar weeks (in each instance on any day of the week) immediately prior to the week in which such annual meeting shall convene, in a newspaper printed in the English language and of general circulation in the city or county in which the home office of the association is located, or mailed postage prepaid at least 15 days and not more than 30 days prior to the date on which such annual meeting shall convene to each of its members of record at his last address appearing on the books of the association. Such notice shall state the name of the association, the place of the annual meeting and the time when it shall convene. A similar notice shall be posted in a conspicuous place in each of the offices of the association during the 14 days immediately preceding the date on which such annual meeting shall convene. If any member, in person or by attorney thereunto authorized, shall waive in writing notice of any annual meeting of members, notice thereof need not be given to such member.

(b) Notice of each special meeting shall be either published once a week for the two successive calendar weeks (in each instance on any day of the week) immediately prior to the week in which such special meeting shall convene, in a newspaper printed in the English language and of general circulation in the city or county in which the home office of the association is located, or mailed postage prepaid at least 15 days and not more

than 30 days prior to the date on which such special meeting shall convene to each of its members of record at his last address appearing on the books of the association. Such notice shall state the name of the association, the purpose or purposes for which the meeting is called, the place of the special meeting and the time when it shall convene. A similar notice shall be posted in a conspicuous place in each of the offices of the association during the 14 days immediately preceding the date on which such special meeting shall convene. If any member in person or by attorney thereunto authorized, shall waive in writing notice of any special meeting of members, notice thereof need not be given to such member.

4. **Meetings of the board of directors.** The board of directors shall meet regularly without notice at the home office of the association at least once each month at the hour and date fixed by resolution of the board of directors, provided that the place of meeting may be changed by the directors. Special meetings of the board of directors may be held at any place in the territory in which the association may make loans specified in a notice of such meeting and shall be called by the secretary upon the written request of the president, or of three directors. All special meetings shall be held upon at least 3 days' written notice to each director unless notice be waived in writing before or after such meeting. Such notice shall state the place, time, and purposes of such meeting. A majority of the directors shall constitute a quorum for the transaction of business. The act of a majority of the directors present at any meeting at which there is a quorum shall be the act of the board of directors. All meetings of the board of directors shall be conducted in accordance with Roberts' Rules of Order.

5. **Officers, employees, and agents.** Annually at the meeting of the board of directors of the association next following the annual meeting of the members of the association, the board of directors shall elect a president, one or more vice presidents, a secretary, and a treasurer: *Provided*, That the offices of secretary and treasurer may be held by the same person, and a vice president may also be either the secretary or the treasurer. The board of directors may appoint such additional officers and such employees and agents as it may from time to time determine. The term of office of all officers shall be one year or until their respective successors are elected and qualified; but any officer may be removed at any time by the board of directors. In the absence of designation from time to time of powers and duties by the board of directors, the officers shall have such powers and duties as generally pertain to their respective offices.

6. **Resignation of directors.** Any director may resign at any time by sending a written notice of such resignation to the office of the association delivered to the secretary. Unless otherwise specified therein, such resignation shall take effect upon receipt thereof by the secretary. More than three consecutive absences from regular meetings of the board of directors, unless excused by resolution of the board of directors, shall automatically constitute a resignation, effective when such resignation is accepted by the board of directors.

7. **Powers of the board.** The board of directors shall have power—

(a) To appoint and remove by resolution the members of an executive committee, the members of which shall be directors, which committee shall have and exercise the powers of the board of directors between the meetings of the board of directors;

(b) To appoint and remove by resolution the members of such other committees as may be deemed necessary and prescribe the duties thereof;

(c) To fix the compensation of directors, officers, and employees; and to remove any

officer or employee at any time with or without cause;

(d) To extend leniency and indulgence to borrowing members who are in distress and generally to compromise and settle any debts and claims;

(e) To limit payments on capital which may be accepted;

(f) To reject any application for savings accounts or membership; and

(g) To exercise any and all of the powers of the association not expressly reserved by the charter to the members.

8. *Execution of instruments, generally.* All documents and instruments or writings of any nature shall be signed, executed, verified, acknowledged, and delivered by such officers, agents, or employees of the association or any one of them and in such manner as from time to time may be determined by resolution of the board of directors. All notes, drafts, acceptances, checks, endorsements, and all evidences of indebtedness of the association whatsoever shall be signed by such officer or officers or such agent or agents of the association and in such manner as the board of directors may from time to time determine. Endorsements for deposit to the credit of the association in any of its duly authorized depositories shall be made in such manner as the board of directors may from time to time determine. Proxies to vote with respect to shares or accounts of other associations or stock of other corporations owned by or standing in the name of the association may be executed and delivered from time to time on behalf of the association by the president or a vice president and the secretary or an assistant secretary of the association or by any other person or persons thereunto authorized by the board of directors.

9. *Savings account certificates.* Such officers or employees as may be designated by the board of directors shall deliver to each person upon the initial payment on his savings account in the association an account book or other written evidence of such account.

10. *Seal.* The seal shall be two concentric circles between which shall be the name of the association. The year of incorporation, the word "incorporated", or an emblem may appear in the center.

11. *Amendment.* These bylaws may be amended at any time by a two-thirds affirmative vote of the board of directors, or by a vote of the members of the association. Each and every amendment shall be subject to the approval of the Federal Home Loan Bank Board, and shall be ineffective until such approval shall be given: *Provided*, That, without the approval of the Federal Home Loan Bank Board, section 1 of the bylaws may be amended so that the time of day for convening the annual meeting may be fixed at any hour not earlier than 10 a. m. or later than 9 p. m., and a section providing for a bonus may be added or repealed as provided in the rules and regulations for the Federal Savings and Loan System.

§ 544.6 *Amendment to bylaws.* This section constitutes approval by the Board of any one or more of the following amendments to the bylaws of any Federal association, upon the valid adoption of any such amendment by such association's directors or members as provided in its bylaws, effective when so adopted:

(a) *Nominating committee.* The president, at least 30 days prior to the date of each annual meeting, shall appoint a nominating committee of three persons who are members of the association. Such committee shall make nominations for directors in writing, and deliver to the secretary such written nominations at least 15 days prior to the date of the annual meeting, which nominations shall

forthwith be posted in a prominent place in the home office for the 15 days' period prior to the date of the annual meeting. Provided such committee is appointed and makes such nominations, no nominations for directors except those made by the nominating committee shall be voted upon at the annual meeting unless other nominations by members are made in writing and delivered to the secretary of the association at least 10 days prior to the date of the annual meeting, which nominations shall forthwith be posted in a prominent place in the home office for the 10 days' period prior to the date of the annual meeting. Ballots bearing the names of all persons nominated by the nominating committee and by other members prior to the annual meeting shall be provided for use by the members at the annual meeting. If at any time the president shall fail to appoint such nominating committee, or the nominating committee shall fail or refuse to act at least 15 days prior to the annual meeting, nominations for directors may be made at the annual meeting by any member and shall be voted upon.

(b) *New business.* Any new business to be taken up at the annual meeting, including any proposal to increase or decrease the number of directors of the association, shall be stated in writing and filed with the secretary of the association on or before 30 days before the date of the annual meeting, and all business so stated, proposed and filed shall be considered at the annual meeting, but no other proposal shall be acted upon at the annual meeting. Any member may make any other proposal at the annual meeting and the same may be discussed and considered, but unless stated in writing and filed with the secretary 30 days before the meeting such proposal shall be laid over for action at an adjourned, special or regular meeting of the members taking place 30 days or more thereafter. This provision shall not prevent the consideration and approval or disapproval at the annual meeting of the reports of officers and committees, but in connection with such reports no new business shall be acted upon at such annual meeting unless stated and filed as herein provided.

(c) *Voting by proxy.* Voting at any annual or special meeting of the members may be made by proxy, it being provided that no proxies shall be voted at any meeting unless such proxies shall have been placed on file with the secretary of the association, for verification, at least 5 days prior to the date on which such meeting shall convene.

(d) *Number of directors.* The number of directors of the association shall be -----

(e) *Bonus accounts.* The association shall be obligated to pay a bonus for regular payments on savings accounts upon the bonus plan set forth in the rules and regulations made by the Federal Home Loan Bank Board.

AVAILABILITY

§ 544.7 *In offices of association.* A Federal association shall cause a true copy of its charter and bylaws, including any amendments thereto, to be at all

times available to the members of such association in each of its offices, and shall deliver a copy of such charter and bylaws to any member upon request.

§ 544.8 *Amendment of Charter K.* The provisions of this section shall constitute the approval by the Board of the proposal by the board of directors of any Federal association that has a Charter K of the following amendments to said Federal association's charter: *Provided*, That such Federal association follows the requirements of section 16 of its charter in adopting such amendments: Amendment of the tenth sentence of section 9 by striking the period at the end thereof and adding: "": *Provided further*, That the association may provide for bonus payments in accordance with section 10 hereof; together with the amendment of section 10 to read as follows: "10. *Payment of bonus on share accounts.* The association may pay a bonus upon its share accounts as authorized by regulations made by the Federal Home Loan Bank Board."

PART 545—OPERATIONS

CAPITAL

Sec.	Savings accounts.
545.1	Distribution of earnings.
545.1-1	Quarterly distribution of earnings by Charter N or K (rev.) Federal associations upon resolution of board of directors.
545.1-2	Evidence of ownership.
545.2	Bonus on savings accounts.
545.3	Withdrawals.
545.4	

LOANS

545.6	Real estate loans.
545.6-1	Lending powers under sections 13 and 14 of Charter K.
545.6-2	Lending powers under sections 11 and 12 of Charter E.
545.6-3	Lending powers under other charter provisions.
545.6-4	Participation loans.
545.6-4a	Participation loans on real estate beyond regular lending area.
545.6-5	Purchase of loans.
545.6-6	Lending area.
545.6-7	Real estate loans and investments subject to 20-percent-of-assets limitation.
545.6-8	Loans to directors, officers, or employees.
545.6-9	Appraisals.
545.6-10	Initial loan charges.
545.6-11	Loan contract.
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545.6-13	Reserve for uncollected interest.
545.7	Loans on savings accounts.
545.8	Unsecured loans.
545.8-2	Cash and Government obligations.

OTHER INVESTMENTS

545.9	Stocks and securities.
545.10	Office building.

BROKERAGE BUSINESS AND SALE OF LOANS

545.11	Restrictions.
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FIDELITY BONDS

545.12	Bonds for directors, officers, employees, and agents.
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OFFICES

545.13	Home office.
545.14	Branch office.
545.15	Agency.
545.16	Change of office location.

FISCAL AGENCY

545.17	Powers and duties.
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BOOK VALUE OF ASSETS

Sec.	
545.18	Adjustments.
545.19	Real estate owned.

RECORDS AND REPORTS

545.20	Accounting.
545.21	Annual reports.
545.22	Monthly reports.
545.23	Statement of condition.

EXAMINATIONS AND AUDITS

545.24	Supervisory examinations.
545.25	Audits.
545.26	Cost.

ANNUAL MEETINGS OF MEMBERS

545.27	Notice.
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AUTHORITY: §§ 545.1 to 545.27 issued under sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464, Reorg. Plan No. 3 of 1947, 12 P. R. 4981, 3 CFR, 1947 Supp.

CAPITAL

§ 545.1 *Savings accounts.* The capital of a Federal association may be raised through payments on its savings accounts in the form of cash, or of property in which such Federal association is authorized to invest, and in the absence of actual fraud in the transaction, the value of such property, as determined by the board of directors of such Federal association, shall be conclusive. The savings accounts of a Federal association that has a Charter E or a Charter K and which amends such charter to read in the form of Charter N or Charter K (rev.) shall continue to have the same rights and privileges and to be subject to the same duties and liabilities as were provided in the charter in effect at the time such savings accounts were created, until exchange for a savings account issued under the provisions of Charter N or Charter K (rev.). No sales commission shall be paid by any Federal association to any of its officers or directors for the sale of its savings accounts; *Provided*, That any such association may distribute prizes in cash or otherwise to any of its officers or directors in connection with any drive or contest authorized by the association's board of directors for the increase of the association's capital by the development of new savings accounts. Except to the extent expressly authorized by Charter E, no Federal association shall directly or indirectly charge any membership admission, repurchase, withdrawal, or any other fee or sum of money, for the privilege of becoming, remaining, or ceasing to be a holder of a savings account of such Federal association.

§ 545.1-1 *Distribution of earnings.* A Federal association that has Charter N or Charter K (rev.) is not required to distribute earnings on savings accounts of \$10 or less; *Provided, however*, That where State-chartered savings and loan associations are specifically authorized by law not to distribute earnings on savings accounts of less than \$50, any such Federal association located in such a State may, by resolution of its board of directors, provide that such Federal association shall not distribute earnings on savings accounts of less than \$50 except that the amount so fixed shall not exceed that specifically authorized by State law to such State-chartered savings and loan associations.

§ 545.1-2 *Quarterly distribution of earnings by Charter N or K (rev.) Federal associations upon resolution of board of directors.*—(a) A Federal savings and loan association shall close its books as of June 30 and December 31 of each year, or as of the last business day of each June and December; and shall, at each of such dates, make such credits to its reserves and to its undivided profits account, and shall make such distribution of the remainder of its earnings, as are provided by such association's charter: *Provided*, That, a Federal association which has a charter in the form of Charter N or Charter K (rev.) and has its home office in a State, district, or territory where building and loan or savings and loan associations, homestead associations, cooperative banks, or mutual savings banks, are authorized or permitted by the laws of such State, district, or territory to distribute earnings quarterly, and where any such building and loan or savings and loan association, homestead association, cooperative bank or mutual savings bank has on, or after, the last previous dividend date of such Federal association, distributed earnings on a quarterly basis, may, following adoption by its board of directors of the following resolution, distribute earnings as of March 31, June 30, September 30, and December 31 of each year, or as of the last business day of each March, June, September, and December, after providing as of March 31 and September 30 for the payment of expenses, and for the pro rata portion of credits to reserves required by section 10 of Charter N and Charter K (rev.) for the six-month period ending on June 30 and December 31, respectively, next succeeding:

Be it resolved, that the association shall distribute net earnings (as defined in section 10 of the Charter) as of March 31, June 30, September 30 and December 31 of each year, in accordance with, and subject to, the provisions of § 545.1-2 of the rules and regulations for the Federal Savings and Loan System.

Provided further, That immediately after the adoption of such resolution a copy thereof certified as follows, shall be sent to the Director, Division of Supervision, Federal Home Loan Bank Board, Washington 25, D. C., and to the President of the Federal Home Loan Bank in the district in which said Federal association is located:

The undersigned, by its secretary, hereby certifies that the above resolution was adopted at a meeting of the board of directors duly called, and held on _____, 19____.

In witness whereof, the secretary of the undersigned has hereunto affixed his hand and the seal of the undersigned this ____ day of _____, 19____.

Federal Savings and Loan Association.

By _____
[CORPORATE SEAL]

(b) In the event that, subsequent to the adoption of a resolution providing for quarterly distribution of earnings, legislation is enacted in the State, district or territory in which such Federal association is located specifically pro-

hibiting the distribution of earnings for any period less than semi-annually, the board of directors of such Federal association shall, not later than the next following July 1 or January 1 occurring not less than 30 days after the effective date of such legislation, duly rescind the resolution authorizing quarterly distribution of earnings.

(c) In the event the resolution providing for quarterly distribution of earnings is rescinded for any reason, a certified copy of such resolution of rescission shall immediately, upon adoption, be sent to said Director, and said President.

(d) As used in this section, the term "State, district, or territory", includes Puerto Rico, Guam, and the Virgin Islands.

§ 545.2 *Evidence of ownership.*—(a) *Signature card.* In connection with the issuance of a savings account a Federal association shall obtain a card containing the signature of the owner of such account or his duly authorized representative and shall preserve such signature card in the records of the association.

(b) *Account books and certificates.* A Federal association that has Charter N or Charter K (rev.) shall issue to each holder of its savings accounts an account book, or a separate certificate, evidencing the ownership of the account and the interest of the holder thereof in the capital of such Federal association; except as hereinafter provided, each such certificate shall be in form prescribed by the Board. (The Board has prescribed for use by all Federal associations that have Charter K, forms of certificates evidencing the ownership of savings share accounts, short-term savings share accounts, and investment share accounts; and has prescribed for use by all Federal associations that have Charter N or Charter K (rev.) forms of certificates evidencing ownership of savings accounts. Illustrative copies of these forms may be obtained from the Federal Home Loan Bank Board, Washington, D. C., or from any Federal home loan bank.) Any Federal association that has a Charter E may, until otherwise provided by the Board, continue to use the forms of share certificates being issued by such association as of the effective date hereof: *Provided*, That no such form is in conflict with any express provision of such association's charter or bylaws.

(c) *Ownership of record.* A Federal association may treat the holder of record of a savings account as the owner for all purposes without being affected by any notice to the contrary unless such Federal association has acknowledged in writing notice of a pledge of such savings account. Savings accounts of a Federal association shall be transferable only upon the books of the association and upon proper application by the transferee and the acceptance of the transferee as a member upon terms approved by the board of directors.

(d) *Duplicate account books and certificates.* Upon filing with a Federal association by the holder of record as shown by the books of the association, or by his legal representative, of an

affidavit to the effect that the certificate or account book evidencing his savings account with the association has been lost or destroyed, and that such certificate or account book has not been pledged or assigned in whole or in part, such Federal association shall issue a new certificate or account book evidencing such savings account in the name of the holder of record: *Provided*, That the board of directors shall, if in its judgment it is necessary, require a bond in an amount sufficient to indemnify the association against any loss which might result from the issuance of such new certificate or account book.

§ 545.3 Bonus on savings accounts—

(a) *Creation of bonus plan.* The members of a Federal association which has a charter not inconsistent with the provisions of this section may, by bylaw provision, obligate the association to pay a bonus for regular payments on savings accounts. Thereafter, any member of such association desiring a bonus shall agree to make regular monthly payments of a specified amount on a savings account until the withdrawal value thereof is equal to at least 200 times the agreed monthly payment, and if the agreed monthly payments are made each and every month thereafter until the withdrawal value of such savings account is equal to at least 200 times the agreed monthly payment, without a delay of more than 60 days in the payment of any monthly payment and without any prepayment of more than 12 months, and if within such period no application has been made for withdrawal of any part of such savings account, the bonus shall be payable on the date on which the withdrawal value of such savings account equals or exceeds 200 times the agreed monthly payment. The bonus rate on such savings account shall be 1 percent per annum and the amount of the bonus shall be determined as follows:

Divide the dollar amount of each semi-annual distribution of earnings on such savings account by a figure equal to the annual rate of each such semi-annual distribution; and the amount of the bonus shall be the sum of the quotients obtained: *Provided, however*, That if a member who has agreed to make regular monthly payments on a savings account under this plan shall apply for the withdrawal of such account in part or in full, or shall fail to meet any of the other terms of the bonus agreement after such account shall have reached (1) at least 50, but less than 100, times the agreed monthly payment on such account in accordance with the terms of the agreement, such member shall be entitled to receive, in addition to the withdrawal value of such account, a bonus equivalent to 25 percent of the amount of the reserve for bonus which is, at the time of such withdrawal, properly allocable to such account; (2) at least 100, but less than 150, times the agreed monthly payment, 50 percent of such amount; and (3) at least 150, but less than 200, times the agreed monthly payment, 75 percent of such amount.

(b) *Existing bonus rights.* The holder of a savings account of a Federal associa-

tion which has a Charter K and which amends such charter by the adoption of Charter N shall, upon the exchange of such savings account for a savings account issued under Charter N, have the rights and privileges, and be subject to the duties and liabilities, provided in this section, as if originally created under the provisions hereof: *Provided*, That the savings account so exchanged entitled the holder thereof, at the time of such exchange, to an interest in any reserve for bonus created under the provisions of such Charter K.

(c) *Bonus operations.* A Federal association that has a Charter not inconsistent with the provisions of this section may credit to the accounts of all members holding bonus accounts in good standing, that amount in the bonus reserve to which they would be entitled if their bonus accounts were withdrawn at the time of such credit, and may transfer to surplus or to other reserves any other amounts in any Reserve for Bonus, and further bonus earnings shall be credited to the accounts of the members thereto entitled.

(d) *Abolition of bonus plan.* The members of a Federal association may, by amendment of such association's bylaws, abolish any bonus plan as to savings accounts opened after the effective date of such action.

§ 545.4 *Withdrawals.* When a Federal association that has a Charter N is unable to pay all withdrawal requests within a period of 30 days from the date of receipt of written request therefor, the association shall then number and file all withdrawal requests in the order received and shall proceed in the following manner while any withdrawal request remains unpaid for more than 30 days:

(a) Withdrawal requests shall be paid in the order received and if any holder of a savings account or accounts has requested the withdrawal of more than \$1,000, he shall be paid \$1,000 in order when reached and his withdrawal request shall be charged with such amount as paid and shall be renumbered and placed at the end of the list of withdrawal requests, and thereafter, upon again being reached, shall be paid a like amount, but not exceeding the withdrawal value of his savings account, and until such withdrawal request shall have been paid in full, shall continue to be so paid, renumbered, and replaced at the end of the withdrawal requests on file: *Provided*, That when any such request is reached for payment, such association shall so advise the holder of such savings account by registered mail to his last address as recorded on the books of the association and, unless such holder shall apply in person or in writing for the payment of such withdrawal request within 30 days from the date of the mailing of such notice, no payment on account of such withdrawal request shall be made and such request shall be cancelled: *And provided further*, That the board of directors shall have absolute right to pay on an equitable basis an amount not exceeding \$200 to any holder of a savings account or accounts in any calendar month and without regard to any other provision of this section;

(b) When a Federal association that has a Charter N is unable to pay all withdrawal requests within a period not exceeding 30 days from the date of receipt of written request therefor it shall allot to the payment of such requests the remainder of the association's receipts from all sources after deducting from total receipts appropriate amounts for expenses, required payments on indebtedness, earnings distributable in cash to holders of savings accounts, and a fund for general corporate purposes equivalent to not more than 20 percent of the association's receipts from holders of its savings accounts and from its borrowers.

LOANS

§ 545.6 Real estate loans.

§ 545.6-1 *Lending powers under sections 13 and 14 of Charter K.* Any Federal association which has Charter K may, under sections 13 and 14 thereof, make the following types of loans on the security of first liens on improved real estate and the use by such an association of loan plans, practices, and procedures which comply with the applicable provisions of §§ 545.6 to 545.6-13, are hereby approved by the Board:

(a) *Homes or combination of homes and business property—*(1) *Monthly installment loans.* Installment loans may be made on homes or combination of homes and business property for an amount not in excess of 75 percent of the value thereof, repayable monthly within 25 years or, if an insured or guaranteed loan, within the period acceptable to the insuring or guaranteeing agency: *Provided*, That, when the members of such an association have authorized loans to be made for an amount exceeding 75 percent of the value, such loans may be made up to the percentage of value authorized by the members but not in excess of:

(i) 80 percent of the value, if the loan is not an insured or guaranteed loan;
(ii) The maximum percentage of the value acceptable to the insuring agency, if an insured loan;
(iii) 80 percent of the value, plus the amount guaranteed if a guaranteed loan.

(2) *Other installment loans.* Loans of any type that such an association may make on a monthly installment basis may also be made with interest payable at least semi-annually and with regular periodic principal installments payable at least annually in an amount sufficient to retire the debt, interest and principal, within 5 years, or, subject to the limitations of § 545.6-7 (for which purpose all such loans are not fully repayable within 5 years shall be deemed "Non-installment Loans"), within 15 years: *Provided*, That insured or guaranteed loans may be repayable upon such terms as are acceptable to the insuring or guaranteeing agency.

(3) *Loans without full amortization.* Loans of any type that such an association may make on a monthly installment basis may also be made without full amortization of principal: *Provided*, That except for insured or guaranteed loans, interest shall be payable at least semi-annually and any such loan may be made for an amount not in excess of 50

percent of the value and for a term of not more than 5 years: *And provided further*, That, if the members have authorized loans to be made without full amortization up to such higher percentage, such loans may be made for an amount not in excess of 60 percent of the value and for a term of not more than 3 years: *And provided further*, That, if the members have authorized loans to be made without full amortization up to such higher percentage, such loans, if made for the purpose of construction, may be made for an amount not in excess of 80 percent of the value and for a term of not more than one year.

(4) *Loans in excess of 80 percent of value.* The limitation of 80 percent set forth in subdivision (i) of subparagraph (1) of this paragraph shall be 90 percent in the case of any loan with respect to which the following requirements are met:

(i) The association, at the time of any disbursement on the loan, has general reserves and surplus equal to at least 3 percent of the association's capital;

(ii) The loan is made upon the security of a first lien upon real estate upon which there is located a structure designed for residential use for one family, the construction of which has been completed prior to the date on which the security instrument securing the loan is executed and prior to the date on which any disbursement on the loan is made, and upon which there is not located any other structure designed or used in whole or in part for use as a dwelling or any structure designed or used in whole or in part for any business use or for any use not ancillary to the residential use aforesaid;

(iii) The principal obligation of the loan is specified in the security instrument securing the loan and does not exceed (a) \$18,000, (b) 90 percent of the value of the real estate, or (c) 90 percent of the purchase price set forth in the certification specified in subdivision (vii) of this subparagraph, whichever is lowest;

(iv) The loan contract requires that, in addition to interest and principal payments on the loan, the equivalent of one-twelfth of the estimated annual taxes, assessments, and insurance premiums on the real estate security be paid monthly in advance to the association;

(v) The borrower has executed, not earlier than the date on which the security instrument securing the loan is executed and not later than the date on which any disbursement on the loan is made, a certification in writing to the association stating (a) that the loan is sought for the purpose of enabling the borrower to purchase the security property from a vendor or vendors named therein; (b) that no lien or charge upon such property, other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, has been given or executed by the borrower or has been contracted or agreed to be so given or executed; and (c) that the borrower is actually occupying the property as a dwelling or that the borrower in good faith intends to do so;

(vi) The vendor or vendors have executed, not earlier nor later than the dates specified in subdivision (v) of this subparagraph, a certification in writing to the association stating that no lien or charge upon such property, other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, has been given or executed to the vendor or vendors by the borrower or has been contracted or agreed to be so given or executed;

(vii) The borrower and the vendor or vendors have jointly executed, prior to approval of the loan, a certification in writing to the association stating (a) the purchase price of the security property and the items comprising such price and (b) that there is outstanding a contract or agreement between the vendor or vendors and the borrower that the security property will be conveyed to the borrower;

(viii) The association has obtained, prior to approval of the loan, a written report on the credit standing of the borrower and the financial ability of the borrower to undertake and pay off the obligation involved in the loan; and

(ix) The resulting aggregate of the principal amount of such loan as specified in accordance with subdivision (iii) of this subparagraph and of the association's investment in the principal amount of all other loans made under this subparagraph, exclusive of any loan with respect to which the association's investment in the principal amount thereof does not exceed 80 percent of the value of the property according to the appraisal on which such loan was made (or 80 percent of the purchase price set forth in the certification specified in subdivision (vii) of this subparagraph, if such purchase price is less than such value), does not, at the time of any disbursement on such loan, exceed 10 percent of the association's capital.

The record of each such loan shall show the date and amount of the appraisal on which the loan was made and the date of approval of the loan, and the association shall, so long as the loan is outstanding and in any event for a period of at least three years from the date of any disbursement on the loan, retain in its record of the loan the foregoing data and all reports and certifications referred to in this subparagraph. Notwithstanding any other provision of this part, a Federal association, without the prior written approval by the Board, may not participate in the making of, and may not purchase or sell, any loan, and may not purchase or sell any participation in any loan, made under the provisions of this subparagraph: *Provided*, That the provisions of this sentence shall not apply to any loan the unpaid principal of which does not exceed 80 percent of the value of the property according to the appraisal on which such loan was made and does not exceed 80 percent of the purchase price set forth in the certification specified in subdivision (vii) of this subparagraph.

(b) *Other improved real estate.*
(1) *Monthly installment loans.* Installment loans may be made on other improved real estate for an amount not

in excess of 50 percent of the value thereof, repayable monthly within 25 years or, if an insured or guaranteed loan, within the period acceptable to the insuring or guaranteeing agency: *Provided*, That, when the members of such an association have authorized loans to be made upon such security for an amount exceeding 50 percent of the value, such loans may be made up to the percentage of value authorized by the members but not in excess of:

(i) The maximum percentage acceptable to the insuring agency, if an insured loan;

(ii) 75 percent of the value of five-family or six-family residential property;

(iii) 60 percent of the value of residential property for more than six families but for not more than twelve families;

(iv) 66 2/3 percent of the value of property designed or used primarily for residential purposes: *Provided*, That the loan is an installment loan repayable monthly within 15 years: *Provided further*, That the foregoing limitations of 66 2/3 percent and 15 years in this subdivision shall be 70 percent and 20 years in the case of such a loan on property designed or used primarily for residential purposes for more than twelve families: *Provided further*, That, where a governmental entity certifies to the Federal association, in advance of the making of the loan, that the development, alteration, repair, or improvement of such property is essential to, or in furtherance of the objectives of, a program of slum clearance or urban renewal which has been or is expected to be undertaken in whole or in part by such governmental entity, the loan may be an installment loan repayable monthly within 25 years;

(v) 60 percent of the value of real estate which is improved by an income-producing structure thereon: *Provided*, That the loan is an installment loan repayable monthly within a period of 15 years;

(vi) The percentage of value that such an association may otherwise lend under this paragraph plus the amount guaranteed, if a guaranteed loan: *Provided*, That any percentage of value may be loaned if at least 20 percent of the loan is guaranteed.

(2) *Other loans.* Loans of any type that such an association may make on a monthly installment basis may also be made upon any other plan of repayment: *Provided*, That, except for insured or guaranteed loans, interest shall be payable at least semiannually and any such loan may be made for an amount not in excess of 50 percent of the value and for a term of not more than 5 years: *And provided further*, That, if the members have authorized loans to be made without full amortization up to such higher percentage of the value of other improved real estate used primarily for residential purposes, such loans may be made for an amount not in excess of 60 percent of the value thereof and for a term of not more than 3 years.

§ 545.6-2 *Lending powers under sections 11 and 12 of Charter E.* Any Fed-

eral association which has Charter E may, under sections 11 and 12 thereof, make monthly installment loans, repayable in not less than 5 nor more than 20 years, on the security of first liens on homes or combination of homes and business property for an amount not in excess of 75 percent of the value thereof, and on other improved real estate for an amount not in excess of 50 percent of the value thereof.

§ 545.6-3 *Lending powers under other charter provisions.* Any Federal association that has amended Charter K by the addition thereto of section 14.1 and any Federal association which has a charter in any other form not inconsistent with the provisions of §§ 545.6 to 545.6-13, may upon authorization by its board of directors and without further action by its members, make the following types of loans and the use by any such association of the applicable loan plans, practices, procedures, and maximum lending percentages is hereby approved by the Board:

(a) Any loan that a Federal association which has Charter K may make under § 545.6-1;

(b) Any guaranteed loan on the security of a lien other than a first lien on real estate: *Provided*, That at least 20 percent of the loan is guaranteed.

§ 545.6-4 *Participation loans.* Any Federal association may participate with other lenders in making loans of any type that such an association may otherwise make: *Provided*, That:

(a) The real estate security is located within such association's regular lending area;

(b) Each of the lenders is either an instrumentality of the United States Government or is insured by the Federal Savings and Loan Insurance Corporation or by the Federal Deposit Insurance Corporation.

§ 545.6-4a *Participation loans on real estate beyond regular lending area.* In addition to its authority under § 545.6-4, any Federal association may, to the extent that it has under statute and its charter legal authority to do so, participate in making a loan, secured by first lien upon a home located beyond the association's regular lending area, of any type that it may make under this part, provided each of the lenders is an institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation, or purchase from any such institution a participation in such a loan. Any Federal association may, to the extent that it has under statute and its charter legal authority to do so, sell to any such institution, without regard to the provisions of § 545.11, a participating interest in any loan, and such sale shall not be regarded as a sale of a loan within the meaning of § 545.11.

§ 545.6-5 *Purchase of loans.* Any Federal association may purchase loans of any type that it may make; it may also purchase any insured loan secured by a home or combination of home and business property located outside of its regular lending area, at an investment of not more than \$35,000: *Provided*, That no loan may be purchased from an

affiliated institution without the prior approval of the Board, or from a director, officer or employee of such association, or from any person or firm regularly serving such association in the capacity of attorney-at-law: *And provided further*, That if such an association increases its savings accounts as a part of any such purchase it shall obtain such approval as is required by the rules and regulations for insurance of accounts.

§ 545.6-6 *Lending area.* The regular lending area of a Federal association consists of the area within a radius of fifty miles from such association's home office and, in the case of a Federal association which is converted from a State-chartered institution, that territory beyond fifty miles from its home office in which such association made loans while operating under State charter. Any Federal association may make loans in its regular lending area and, within the 20-percent-of-assets limitation as defined in § 545.6-7, in other territory: *Provided*, That such association shall comply with the provisions of the rules and regulations for insurance of accounts with respect to loans on the security of real estate located more than fifty miles from the association's home office. Each converted association that desires to continue to make loans beyond fifty miles from its home office in territory in which it made loans while operating under State charter shall file with the Board a map showing the territory within which such association made loans while operating under State charter. For the purpose of this section a county is the unit of "territory" in which a converted association made loans beyond a radius of 50 miles from its home office while operating under State charter.

§ 545.6-7 *Real estate loans and investments subject to 20-percent-of-assets limitation.* Any Federal association may make loans of the types enumerated in paragraphs (a) through (d) of this section on the security of first liens on improved real estate only when the resulting aggregate amount of the following investments does not exceed 20 percent of the association's assets:

(a) Loans in excess of \$35,000, after deducting each part of any such loan, if secured by a blanket mortgage, which is apportionable in an amount not exceeding \$35,000 to each home or combination of home and business property which is a part of the security;

(b) Loans on other improved real estate;

(c) Loans on improved real estate located beyond the association's regular lending area;

(d) Non-installment loans;

(e) Real estate owned, except

(1) Property owned and occupied by the association as an office;

(2) Homes or combination of homes and business property which are located within the regular lending area and which have a book value of not more than \$35,000 each;

Provided, That any guaranteed loan, at least 20 percent of which is guaranteed, made by any Federal association that has amended Charter K by the addition

thereto of section 14.1, or by any Federal association which has a Charter in any other form not inconsistent with the provisions of §§ 545.6 to 545.6-13 and any insured loan purchased by any such Federal association secured by a home or combination of home and business property outside of its regular lending area at an investment of not more than \$35,000, is exempt from the limitations of this section.

§ 545.6-8 *Loans to directors, officers, or employees.* A Federal association may not make a real estate loan to a director, officer or employee of the association, or to any attorney or firm of attorneys, regularly serving the association in the capacity of attorney-at-law, or to any partnership in which any such director, officer, employee, attorney or firm of attorneys has any interest, and no real estate loan shall be made to any corporation in which any of such parties are stockholders, except that with the prior approval of its board of directors a real estate loan may be made to a corporation in which no such party owns more than fifteen percent of the total outstanding stock and in which the stock owned by all such parties does not exceed twenty-five percent of the total outstanding stock: *Provided*, That nothing in this section shall prohibit a Federal association from making loans on the security of a first lien on the home or combination of home and business property owned and occupied by a director, officer or employee of an association, or by an attorney or member of a firm of attorneys regularly serving the association in the capacity of attorney-at-law.

§ 545.6-9 *Appraisals.* No loan shall be made by any Federal association until at least two qualified persons designated by its board of directors shall have submitted a signed appraisal of the real estate security; or, if an insured or guaranteed loan, until two qualified persons designated by the board of directors (one of whom may be the appraiser accepted by the insuring or guaranteeing agency) shall have concurred in or approved, in writing, the valuation assigned to the real estate security by the appraiser accepted by the insuring or guaranteeing agency: *Provided*, That any Federal association which has amended its Charter by the addition thereto of section 14.1 and any Federal association which has a charter in any other form not inconsistent with the provisions of §§ 545.6 to 545.6-13, may, when authorized by its board of directors, make any loan after a qualified person designated by such board of directors shall have submitted a signed appraisal of the real estate security and may make any insured or guaranteed loan on the basis of a valuation of the real estate security furnished to such Federal association by the insuring or guaranteeing agency.

§ 545.6-10 *Initial loan charges.* No director, officer, or employee of a Federal association, and no person or firm regularly serving such association in the capacity of attorney-at-law, may receive from the association or from any other source any fee or other compensation of any kind in connection with the pro-

curing of any particular loan from or by such association. Borrowers may be required to pay the necessary initial charges in connection with the making of a loan, including the actual costs of title examination, appraisal, credit report, survey, drawing of papers, closing of the loan, and other necessary incidental services and costs in such reasonable amounts as may be fixed by the board of directors; such necessary initial charges may be collected by the association from the borrower and paid to any persons, including any such director, officer, employee, attorney or firm rendering such services: *Provided*, That no discount, rebate, or commission on any such charge may be received by any director, officer, or employee of a Federal association, or by any person or firm regularly serving such association in the capacity of attorney-at-law, but such discounts, rebates, or commissions, when allowed as compensation for services performed, may be received and retained by the association. Upon the closing of the loan, the association shall furnish the borrower a loan settlement statement showing in detail the charges or fees the borrower has paid or obligated himself to pay to the association or to any other person in connection with such loan; and a copy of such loan settlement statement shall be retained in the records of the association.

§ 545.6-11 Loan contract. Each loan shall be evidenced by note, bond, or other instrument and shall be secured by such security instrument as is in keeping with sound lending practices in the locality. The loan contract shall provide for full protection to the Federal association and shall be recorded; it shall provide specifically for full protection with respect to insurance, taxes, assessments, other governmental levies, maintenance, and repairs, and it may provide for an assignment of rents and for such other protection as may be lawful or appropriate. Such Federal association may pay taxes, assessments, insurance premiums, and other similar charges for the protection of its interest in the property on which it has loans; all such payments may, when lawful, be added to the unpaid balance of the loan. A Federal association may require life insurance to be assigned to it by its borrowers as additional collateral for loans on the security of real estate; such association may advance premiums on any such life insurance and, when lawful, may add the premium so advanced to the unpaid balance of the loan. A Federal association may require that the equivalent of one-twelfth of the estimated annual taxes, assessments, insurance premiums, and other charges on real estate security, or any of them, be paid in advance to such association in addition to interest and principal payments on its loans, to enable the association to pay such charges as they become due from the funds so received. A Federal association shall keep a record of the status of taxes, assessments, insurance premiums, and other charges on all real estate on which such association has loans or which is owned by it. All loan instruments shall comply with applicable provisions of law, governmental regula-

tions, and the Federal association's charter.

§ 545.6-12 Loan payments. Payments on the principal indebtedness of all loans on real estate security shall be applied direct to the reduction of such indebtedness. Payments on all monthly installment loans, other than construction loans, insured loans, and guaranteed loans, shall begin not later than sixty days after the advance of the loan; insured loans and guaranteed loans may be repayable upon terms acceptable to the insuring or guaranteeing agency and the Board hereby approves for use by any Federal association a loan plan wherein payments on any construction loans that such association may otherwise make under §§ 545.6 to 545.6-13 shall begin not later than 12 months after the date of the first advance. Borrowers from Federal associations shall have the right to prepay their loans without penalty except that the Board hereby approves for use by any Federal association, other than Federal associations that have Charter E, a loan plan wherein the association may require payment of not more than six months' advance interest on that part of the aggregate amount of all prepayments made on a loan in any one year which exceeds 20 percent of the original principal amount of the loan: *Provided*, That the loan contract makes express provision therefor.

§ 545.6-13 Reserve for uncollected interest. A "Reserve for Uncollected Interest" shall be maintained equivalent to all interest in default more than 90 days.

§ 545.7 Loans on savings accounts. Any Federal association may make loans on the security of its savings accounts, whether or not the borrower is the owner of such account: *Provided*, That the association obtains a lien upon, or a pledge of, such savings account as security therefor. No such loan may exceed the withdrawal amount of the savings account securing the loan or the maximum percentage thereof which the association is authorized by its charter to lend upon such security, whichever is less, and no such loan may be made when the association has any application for withdrawal which has been on file more than 30 days and not reached for payment.

§ 545.8 Unsecured loans. Any Federal association that has amended Charter K by the addition thereto of section 14.1 and any Federal association which has a charter in any other form not inconsistent with the provisions of this section may, upon adoption of such a loan plan by its board of directors, make or purchase:

(a) Any unsecured loan at least 20 percent of which is guaranteed under the provisions of the Servicemen's Readjustment Act of 1944, as now or hereafter amended;

(b) Simple-interest, discount, or gross-charge loans for property alteration, repair, or improvement without the security of a lien upon such property: *Provided*, That:

(1) The net proceeds of any such loan do not exceed \$3,500;

(2) The property is located in such association's regular lending area as defined in § 545.6-6;

(3) Each such loan is evidenced by one or more negotiable notes, bonds, or other written evidences of debt;

(4) The resulting aggregate amount of all such loans does not exceed an amount equal to 15 percent of such association's assets;

(5) Each such loan is repayable in regular monthly installments within a period of 5 years:

And provided further, That any such loan for property alteration, repair, or improvement that is accepted for insurance under the provisions of the National Housing Act, as now or hereafter amended, or for insurance or guarantee under the provisions of the Servicemen's Readjustment Act of 1944, as now or hereafter amended, may be made for such amount and repayable upon such terms and within such periods as are acceptable to the insuring or guaranteeing agency: *Provided*, That no Federal association may make any unsecured loan to a director, officer, or employee of the association, or to any person or firm regularly serving the association in the capacity of attorney-at-law, except for the alteration, repair, or improvement of the home or combination of home and business property owned and occupied by such borrowing director, officer, employee, attorney, or firm.

§ 545.8-2 Cash and Government obligations. A Federal association shall not make or purchase any loan, other than advances on the sole security of its savings accounts, at any time when its cash and obligations of the United States are not at least equal to 6 percent of the association's capital. For the purposes of this section:

(a) A loan shall be deemed to have been made as of the date of the note or bond evidencing the same, and a loan shall be deemed to have been purchased as of the date of payment therefor;

(b) The term "cash" means cash on hand, and cash on deposit in banks, including Federal Home Loan Banks, which is not pledged as security for indebtedness; and

(c) The term "obligations of the United States" means all unpledged evidences of indebtedness issued by the United States and all unpledged evidences of indebtedness issued by any agency or instrumentality of the United States which are by statute fully guaranteed as to principal and interest by the United States.

OTHER INVESTMENTS

§ 545.9 Stocks and securities. A Federal association may invest in the obligations of, or obligations guaranteed as to principal and interest by, the United States; in obligations of Federal home loan banks; in obligations of the Federal National Mortgage Association; in stock of a Federal home loan bank; and in stock of the Federal National Mortgage Association through making nonrefundable capital contributions as provided in section 303 (b) of the National Housing Act, as amended.

§ 545.10 *Office building.* A Federal association may invest in an office building or buildings, and appurtenances, for the transaction of such association's business, or for the transaction of such business and for rental: *Provided*, That no such investment may be made without the prior approval of the Board if the total amount of the investment exceeds the aggregate amount of the association's general reserves and surplus. A Federal association may not purchase an office building, or any part thereof, or land upon which to erect an office building, from an affiliated institution, from an officer, director or employee of such association, or from a corporation or association in which any officer, director or employee is a stockholder or is an officer, director or employee, or from a partnership in which any officer, director or employee is a partner, without the prior approval of the Board.

BROKERAGE BUSINESS AND SALE OF LOANS

§ 545.11 *Restrictions.* A Federal association may not engage in the mortgage brokerage business. A Federal association may sell any loan at any time if the total dollar amount of loans sold, including such sale, within the calendar year beginning January 1 immediately preceding the date of such sale, does not exceed a sum equivalent to 20 percent of the dollar amount of all loans held by such Federal association at the beginning of such calendar year. The limitation upon the sale of loans may be adjusted in the case of any Federal association upon application to and approval by the Board. All loans sold shall be sold without recourse, and if under a contract to service the same, then on a basis to provide sufficient compensation to the Federal association to reimburse it for expenses incurred under its service contract.

FIDELITY BONDS

§ 545.12 *Bonds for directors, officers, employees, and agents.* Each Federal association shall provide and maintain a fidelity bond covering its directors, officers, employees, and agents in the form and amount required by the Federal Savings and Loan Insurance Corporation.

OFFICES

§ 545.13 *Home office.* The home office of a Federal association is the office established by such association's charter; such association shall be operated from its home office and all branch offices and agencies thereof shall be subject to direction therefrom. A Federal association shall maintain at its home office a complete record of all business transacted at such office and control records of all business transacted at each of its branch offices and agencies.

§ 545.14 *Branch office.* No Federal association may establish or maintain a branch office without the prior written approval of the Board. Each application by a Federal association for permission to establish or maintain a branch office shall state the need for such branch office; the functions to be performed; the personnel and office facilities to be provided; the estimated annual volume of business, income, and expenses of such

branch office; and shall be accompanied by a proposed annual budget of such association. Any business of a Federal association, except the approval of loans, may be transacted at a branch office, as authorized by its board of directors. A detailed record of all transactions of any branch office of a Federal association shall be maintained at such office and such control records as may be necessary for the proper conduct of such association's business shall be furnished by such branch office to its home office.

§ 545.15 *Agency.* Subject to prior approval by the Board as hereinafter provided, a Federal association may establish and maintain one or more agencies at which any agent of such association may transact its business to the extent authorized by its board of directors: *Provided*, That no loans may be approved and no savings accounts may be opened at any agency of a Federal association. Each application for approval by the Board of the establishment or maintenance of a place of business as an agency of a Federal association shall state the need for such agency; the functions to be performed; the personnel and office facilities to be provided; and the estimated annual volume of business and expenses of such agency. A Federal association may, without approval by the Board, establish or maintain any agency the functions of which are limited to the servicing of loans and contracts, or to the management or sale of real estate owned, or to any combination of such functions; temporary or incidental agencies may likewise be established for individual transactions or for special, temporary purposes. An original record of all business of a Federal association transacted at any agency thereof shall be kept by such agency and such reports of business so transacted shall be made to a branch office or to the home office of such association as are required for the proper conduct and control of the association's affairs.

§ 545.16 *Change of office location.* A Federal association may not move any office from its immediate vicinity without prior approval by the Board. A move of more than one mile or move outside of the municipality in which the office is located will constitute a move of an office from its immediate vicinity. If a Federal association changes the location of its home office, as fixed in such association's charter, such charter shall be appropriately amended in accordance with the provisions thereof. Each application to the Board by a Federal association for permission to move any office of such association from its immediate vicinity shall be supported with a statement showing the need for such change of location, and the estimated expense of removal to and of maintenance at the new location. The provisions of the second sentence of this section shall not be applicable with respect to any Federal association which prior to April 19, 1951, in connection with a change of the location of any office not involving a move from the immediate vicinity of such office within the meaning of these rules and regula-

tions and charter provisions in force and effect on such date, had purchased or leased or had legally bound itself to purchase or lease, the office quarters at the proposed new location of such office.

FISCAL AGENCY

§ 545.17 *Powers and duties.* When designated for that purpose by the Secretary of the Treasury, a Federal association shall perform all such reasonable duties as fiscal agent of the Government specified by the Secretary of the Treasury. Such a Federal association shall exercise only such powers and privileges as a fiscal agent of the Government as are enumerated in regulations prescribed by the Secretary of the Treasury. When the designation for that purpose by any other instrumentality of the United States has been approved by the Board, a Federal association, upon qualification for such employment, shall perform the duties as agent of such instrumentality specified by such instrumentality of the United States. Such a Federal association shall exercise only such powers and privileges as an agent of any other instrumentality of the United States as are prescribed by such other instrumentality of the United States.

BOOK VALUE OF ASSETS

§ 545.18 *Adjustments.* The Board may require that any asset of a Federal association be charged off, to the extent that it has depreciated in value, or that a special reserve or reserves equal to such depreciation in value be set up.

§ 545.19 *Real estate owned.* A Federal association shall appraise each parcel of real estate at the time of acquisition thereof and shall keep a signed copy of such appraisal in its records. A Federal association may not carry real estate on its books for a sum in excess of the total amount invested by the association on account of such real estate, including advances, costs, and improvements, but excluding accrued but uncollected interest.

RECORDS AND REPORTS

§ 545.20 *Accounting.* A Federal association shall maintain a complete record of all business transacted by it and shall use such forms and follow such accounting practices as the Board may from time to time require. A Federal association shall close its books on June 30 and December 31 of each year.

§ 545.21 *Annual reports.* Each Federal association shall make an annual report of its affairs as of December 31 of each year, on forms provided by the Board; and shall forward two copies of each such report to the Federal home loan bank of which the association is a member, within thirty days following the date as of which the report is made.

§ 545.22 *Monthly reports.* The officers of each Federal association shall make a monthly report to the association's board of directors on forms prescribed by the Board; and shall forward one copy of each such report to the Federal home loan bank of which the association is a member and two copies to the Federal Home Loan Bank Board,

Washington, D. C. (The Board has approved a form of "Monthly Report," copies of which any Federal association may obtain from any Federal home loan bank.)

§ 545.23 *Statement of condition.* Within the month of January of each year, each Federal association shall either mail to each of its members, at his last address appearing on the association's books, or publish in a newspaper printed in the English language and of general circulation in the county in which the association's home office is located, a statement of condition of the association as of December 31 immediately preceding, in form prescribed by the Board. (The Board has prescribed a form of "Statement of Condition," an illustrative copy of which may be obtained from any Federal home loan bank or from the Federal Home Loan Bank Board, Washington, D. C.). Within five days after each such statement of condition has been so mailed or published, a certification to such effect, signed by an executive officer of such Federal association, together with a copy of the statement of condition, shall be transmitted by the association to the Federal Home Loan Bank Board, Washington, D. C., and to the Federal home loan bank of which the association is a member.

EXAMINATIONS AND AUDITS

§ 545.24 *Supervisory examinations.* Each Federal association shall be examined periodically by the Board, with appraisals when deemed advisable, in accordance with general policies from time to time established by resolution of the Board.

§ 545.25 *Audits.* If a Federal association has neither been audited by independent auditors and in a manner satisfactory to the Board within the 12-month period immediately preceding the date of the supervisory examination (provided for by § 545.24) or within the period that has elapsed since the last preceding supervisory examination, whichever is greater, nor adopted and maintained an internal audit program acceptable to the Board, the examination of the association made pursuant to the provisions of § 545.24 shall include an audit. A Federal association shall promptly file with the Board, through the Chief Examiner of the Federal Home Loan Bank District in which it is located, two copies of every report of its independent audit, which reports must be certified by the independent auditors. Notwithstanding any of the foregoing provisions hereof, a Federal association may be audited at any time by the Board.

§ 545.26 *Cost.* The cost, as determined by the Board, of each examination of a Federal association, including office analysis thereof, audit, and any appraisals made in connection therewith, and of other supervision by the Board, shall be paid by such association.

ANNUAL MEETINGS OF MEMBERS

§ 545.27 *Notice.* A Federal association shall either publish a notice of its annual meeting of members once a week for the two successive calendar weeks (in each

instance on any date of the week) immediately prior to the week in which such annual meeting shall convene, in a newspaper printed in the English language and of general circulation in the city or county in which the home office of the Federal association is located, or mail a copy of such notice, postage prepaid, at least 15 days and not more than 30 days prior to the date on which such annual meeting shall convene to each of its members of record at his last address appearing upon its books. Such notice shall state the name of the Federal association, the place of the annual meeting and the time when it shall convene. A similar notice shall be posted in a conspicuous place in each office of such Federal association during the 14 days immediately preceding the date on which such annual meeting shall convene.

PART 546—MERGER, DISSOLUTION, AND REORGANIZATION

Sec.

546.1 Definitions.

546.2 Procedure; effective date.

546.3 Transfer of assets upon merger.

546.4 Voluntary dissolution.

AUTHORITY: §§ 546.1 to 546.4 issued under sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp. Interpret or apply sec. 406, 48 Stat. 1259, as amended; 12 U. S. C. 1729.

§ 546.1 *Definitions.* As used in § 546.2 and 546.3, the term (a) "association" means a Federal association and any building and loan association, savings and loan association, cooperative bank or homestead association organized under the laws of any of the States or Territories of the United States or of the District of Columbia; *Provided*, That any such institution under the laws of the jurisdiction of its creation is empowered to merge or consolidate with a Federal association; (b) "merging association" means any association absorbed by merger; and (c) "resulting association" means the Federal association which continues its corporate existence after absorbing one or more merging associations in a merger effected under the provisions of the rules and regulations in this subchapter.

§ 546.2 *Procedure; effective date.* (a) Two or more associations may merge in the manner set forth in this part: *Provided*, That any merging association which is not a Federal association shall first (a) either be or become a member of a Federal home loan bank; (b) comply with the requirements of law of the jurisdiction of its creation; and (c) obtain the vote to convert required by subsection (1) of section 5 of Home Owners' Loan Act of 1933 (48 Stat. 134; 12 U. S. C. 1464 (1)), as amended:

(b) Each association, by a majority vote of its board of directors, shall approve a plan of merger evidenced by a merger agreement. The merger agreement shall state that it shall not be effective unless and until approved by the Board and shall specify (a) which of the associations is to be the resulting association; (b) the name to be used by the resulting association; (c) the location of the home office of the resulting association;

(d) the basis upon which the savings accounts of the resulting association shall be issued; and (e) the number of directors, and the names and residence addresses of all persons chosen to serve as directors of the resulting association, together with the term for which each such director shall serve. Application for approval by the Board of the merger as provided by the said merger agreement shall be made by filing with the Federal home loan bank of which at least one of the associations is a member two copies of the merger agreement, properly executed in the name of the respective associations, and two certified copies of the minutes of all of the meetings of the respective boards of directors at which the plan of merger was considered and approved; and, if any of the merging associations is not a Federal association it shall submit a preliminary application for conversion as provided in § 543.9 of this subchapter. Upon receipt of such application the Board will (a) disapprove the merger; (b) approve the merger; or (c) recommend modifications of the plan of merger as submitted; if the modifications recommended by the Board are accepted by the directors of each of the associations, they shall thereupon amend such merger agreement accordingly and shall submit the amended merger agreement in the same manner as hereinabove provided.

(c) For the purposes of this section, the approval of a merger involving a merging association which is not a Federal association shall, without the issuance of a charter, constitute the approval by the Board of the conversion of such merging association into a Federal association. In the event that any plan of merger provides for a change of name or change of location of the home office of the resulting association, the charter of such resulting association shall be amended accordingly. The charters of all merging Federal associations shall be surrendered to the Board for cancellation. The effective date of a merger shall be the date on which the merger is approved by the Board unless otherwise stated in such approval; approval of the merger automatically cancels the Federal charter of each of the merging associations as of the effective date of the merger.

§ 546.3 *Transfer of assets upon merger.* Upon the effective date of the merger, as provided in § 546.2, all of the assets and property of every kind and character, real, personal and mixed, tangible and intangible, choses in action, rights, and credits then owned by the merging associations, or which would inure to any of them, shall immediately by operation of law and without any conveyance or transfer and without any further act or deed, be vested in and become the property of the resulting association, which shall have, hold, and enjoy the same in its own right as fully and to the same extent as if the same were possessed, held, and enjoyed by the merging associations prior to such merger; and the resulting association shall be deemed to be and shall be a continuation of the entity and identity of the Federal association, which absorbed the

merging associations; and all of the rights and obligations of the merging associations shall remain unimpaired, and the resulting association, on the effective date of such merger, shall succeed to all of such rights and obligations and the duties and liabilities connected therewith.

§ 546.4 *Voluntary dissolution.* The board of directors of any Federal association may propose a plan for the dissolution of such association. Such plan may provide for (a) the Federal Savings and Loan Insurance Corporation to be appointed, in accordance with the provisions of section 406 of the National Housing Act, as amended, and section 5, Home Owners' Loan Act of 1933, as amended, and pertinent regulations of such corporation, as receiver for the purpose of liquidation; (b) all assets of the association to be transferred to another thrift and home-financing institution under Federal or State charter for a sufficient amount of cash to pay all obligations of the association and to retire all outstanding share accounts up to the amount credited thereto; (c) the transfer of all assets to another thrift and home-financing institution under Federal or State charter in consideration of the payment of all outstanding obligations of the association and the issuance of share accounts or other evidence of interest to the members of the Federal association on a pro rata basis; or (d) dissolution in such other manner as may be proposed by the directors and which to them appears to be to the best interest of all concerned. Such plan shall thereupon be submitted to the Board for approval, together with a statement of the reasons for proposing dissolution and the reasons for the plan submitted. If it appears to the Board that dissolution is advisable and that the plan of dissolution submitted is in the interest of all concerned, the Board will approve the plan; if the plan submitted appears to be inadvisable, the Board will either make recommendations to the association concerning the plan or disapprove it. When a plan of dissolution has been approved by the board of directors of a Federal association and by the Board, such plan shall be submitted to the members of such association at a duly called meeting and, when approved by a majority of the votes cast at such meeting, shall become effective. When dissolution has been consummated in accordance with the plan approved by the Board, a certificate evidencing that fact, supported by such evidence as the Board may require, shall forthwith be filed with the Board. Upon receipt of evidence satisfactory to the Board that such dissolution has been so consummated, the Board will terminate the corporate existence of the dissolved Federal association and its charter shall thereby be cancelled.

PART 547—APPOINTMENT OF CONSERVATORS, RECEIVERS, AND SUPERVISORY REPRESENTATIVES IN CHARGE

Sec.
547.1 Grounds for appointment of receiver or conservator.

No. 249—5

- Sec.
547.2 Appointment of supervisory representative in charge.
547.3 Possession by supervisory representative in charge.
547.4 Surrender of possession by supervisory representative in charge.
547.5 Consent to appointment of conservator or receiver.
547.6 Appointment of conservator or receiver; hearings.
547.7 Possession by conservator or receiver.
547.8 Surrender of possession by conservator or receiver.
547.9 Costs of hearings.

AUTHORITY: §§ 547.1 to 547.9 issued under sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp.

§ 547.1 *Grounds for appointment of receiver or conservator.* The grounds for the appointment of a conservator or receiver for a Federal association shall consist of the existence of any one or more of the following:

(a) Insolvency of the Federal association, in that its assets are less than its obligations to its creditors and others, including its members;

(b) Violation of law or of a regulation;

(c) The concealment of the books, records or assets of the Federal association or the refusal to submit its books, papers, records or affairs for inspection to any examiner or lawful agent appointed by the Board;

(d) Unsafe or unsound operation.

§ 547.2 *Appointment of supervisory representative in charge.* In the event the Board is of the opinion that one or more grounds enumerated in § 547.1 exist for the appointment of a conservator or receiver for a Federal association and determines that an emergency exists requiring immediate action, the Board may, by order, appoint, ex parte and without notice, a supervisory representative in charge who shall forthwith, or at such time as may be fixed by the Board, take charge of said Federal association and its affairs, and such supervisory representative in charge shall, to the extent authorized by the Board, have and exercise the same powers as a conservator or a receiver. The formal resolution of the Board so appointing any such supervisory representative in charge shall state the ground or grounds which, in the opinion of the Board, exist for the appointment of a conservator or receiver and the reason or reasons which the Board determines exist requiring such immediate action. The Secretary to the Board shall mail a certified copy of such resolution to the address of the association as it shall appear on the records of the Board and to each director of the association known by the Secretary to be such, at the last address of each as the same shall appear on the records of the Board. Unless sooner removed by the Board, such supervisory representative in charge shall hold office until a conservator or receiver appointed by the Board takes charge of such Federal association and its affairs, or for six months, or until thirty days after the termination of an administrative hearing and final pro-

ceedings as provided in paragraph 2 of subsection (d) of section 5 of the Home Owners' Loan Act of 1933, as amended (12 U. S. C. 1464 (d)), or until sixty days after the final termination of any litigation affecting such temporary appointment, whichever is longest. Upon the expiration of a period of six months from the date of the appointment by the Board of a supervisory representative in charge for a Federal association, the Board will restore such Federal association to its management unless, prior to the expiration of such period, the supervisory representative in charge shall have been discharged, the Board shall have adopted a formal resolution providing for an administrative hearing upon the appointment of a conservator or receiver for such Federal association, or there is pending litigation affecting the appointment of the supervisory representative in charge.

§ 547.3 *Possession by Supervisory Representative in Charge.* A supervisory representative in charge shall forthwith upon appointment as such for a Federal association, or at such time as may be fixed by the Board, take possession of such association and, at the time he shall demand possession, shall serve a certified copy of the resolution of the Board appointing him as supervisory representative in charge upon the officer or employee of the association, if any, who shall be in the home office of the association and appear to be in charge of such office. Immediately upon taking possession of such Federal association the supervisory representative in charge shall succeed to all the rights, powers and privileges of the members of the Federal association, its officers and directors, or any of them. Such members, officers and directors shall not thereafter, except as hereinafter expressly provided, have or exercise any such rights, powers or privileges, or act in connection with any assets or property of any nature of the association: *Provided, however,* That the board of directors of such association, as such, shall have the right to appear and be heard at any administrative hearing fixed by the Board for a determination upon the question of whether or not a conservator or receiver should be appointed for such Federal association, and the officers, directors, or the members of the Federal association, or any of them, may, from time to time, communicate with the Board with respect to the discharge of such supervisory representative in charge and the release of the association from his control: *Provided further,* That the members of the association or the board of directors thereof, may by resolution consent to the appointment of a conservator or receiver for such association. The Board may, at any time, direct the supervisory representative in charge to return the Federal association to its management; may provide for a meeting or meetings of the members for any purpose, including, without any limitation on the generality of the foregoing, an increase in the number of directors, the election of additional directors or an entire new board, and may provide for a meeting or meetings of the directors for any purpose,

including, without any limitation on the generality of the foregoing, the filling of vacancies on the board of directors, the election of new officers, or both. Any such meeting of members or of directors may, as provided by the Board, be supervised or conducted by a representative of the Board. Such supervisory representative in charge shall furnish bond in form and amount and with surety acceptable to the Director. The expenses incurred by a supervisory representative in charge during the period that he continues in charge of any Federal association, including the cost of his bond and charges for his services, as determined by the Director, shall be paid out of the assets of the Federal association. In addition, all expenses incurred by the Board arising out of the appointment and affecting such appointment shall be paid by the association to the Board. The term "Director", when used in this part, shall mean the Director and any Associate or Assistant Director of the Division of Supervision of the Board and the term "Secretary to the Board" shall also mean any Assistant Secretary to the Board.

§ 547.4 Surrender of possession by supervisory representative in charge—

(a) *To the association.* In the event the Board shall restore a Federal association which is in the hands of a supervisory representative in charge to its management, such action, except as the Board may otherwise provide, shall restore the rights, powers and privileges of its members, officers and directors, all as of the time specified by the Board.

(b) *To a conservator or receiver.* In the event a supervisory representative in charge is in charge of a Federal association and its affairs at the time of the appointment of a conservator or receiver for such association, such supervisory representative in charge shall, as may be required by the Board, surrender his control and management of such association and its affairs to such conservator or receiver.

(c) *Reports, final report and discharge.* A supervisory representative in charge shall make such reports to the Board as the Board may require and at the time he shall surrender possession of a Federal association of which he has been placed in charge, shall make such final report and accounting to the Board as the Board shall require. The Board may at any time require an examination or audit, or both, of the affairs of a Federal association under the control of a supervisory representative in charge. Upon a determination by the Board that a final accounting to a supervisory representative in charge is satisfactory, the Board will grant to such supervisory representative in charge, a complete and final release and discharge.

§ 547.5 Consent to appointment of conservator or receiver. In the event the board of directors or members of any Federal association, by appropriate resolution, consent to the appointment of a conservator or receiver for such association, the Board may, in its discretion, appoint such conservator or receiver.

§ 547.6 Appointment of conservator or receiver; hearings. In the event the Board is of the opinion that any of the grounds specified in § 547.1 exist for the appointment of a conservator or receiver for a Federal association, the Board will, by formal resolution, state the ground or grounds which, in its opinion, are cause for the appointment of a conservator or receiver for such Federal association and provide therein an opportunity for an administrative hearing upon the matter at which the Federal association may appear and show cause why such conservator or receiver should not be appointed. Such resolution shall state the time and place of such hearing, which hearing shall be held in the Federal judicial district in which the home office of the Federal association is located, unless such association consents to another place. Any such hearing shall be subject to review as provided in the Administrative Procedure Act, and any review by a court shall be upon the weight of the evidence. Notice of opportunity to appear and be heard at such administrative hearing shall be given to the Federal association by the Secretary to the Federal Home Loan Bank Board who shall forthwith, upon the action of the Board providing for such hearing, mail an authenticated copy of the formal resolution of the Board, by registered mail, to the last address of the Federal association as it shall appear on the records of the Board and to each director of the association known by the Secretary to be such, at the last known address of each, as the same shall appear on the records of the Board. The board of directors of the Federal association, whether such association is in charge of a supervisory representative in charge or otherwise, may, by the adoption of a resolution and the filing of a certified copy thereof with the Board within fifteen days after the mailing of notice of hearing, demand a more definite statement of the ground or grounds stated in the resolution for the appointment of a conservator or a receiver of the Federal Home Loan Bank Board. Any interested party may, at any time prior to the date fixed for the hearing, submit for consideration facts, arguments, offers of settlement and proposals of adjustment. In the event the Federal association does not appear at the administrative hearing and show cause why a conservator or receiver should not be appointed, the Board may forthwith appoint a conservator or receiver for such Federal association. In the event the Federal association shall appear at such administrative hearing, such hearing shall be held in the manner provided in Part 509 of this chapter and in accordance with the Administrative Procedure Act, as in force and effect at the time such hearing is held. In the event the final decision of the Board shall be that a conservator or receiver should be appointed, the action of the Board in appointing such conservator or receiver shall provide that such conservator or receiver shall take possession of the association immediately or at such time as may be fixed by the Board. A copy of

such final decision of the Board shall be furnished by the Secretary to the Federal Home Loan Bank Board to each party appearing at the hearing, either in person or by registered mail, addressed to such interested party at his last address as the same shall appear on the records of the Board. Notice of appointment of a receiver or conservator shall forthwith be filed for publication in the Federal Register. The appointment of a receiver shall be for the purpose of liquidation.

§ 547.7 Possession by conservator or receiver. A conservator or receiver shall take possession of the Federal association for which he has been so appointed in accordance with the terms of such appointment and, at the time he shall demand possession, notify the officer or employee of the association, if any, who shall be in the home office of the association and appears to be in charge of such office, of the action of the Board. Immediately upon taking possession of such Federal association, such conservator or receiver shall forthwith take possession of the books, records and assets of every description of such association and (a) a conservator shall succeed to all the rights, powers and privileges of its members, its officers and directors, or any of them, and (b) a receiver, by operation of law and without any conveyance and other instrument, act or deed shall succeed to all the rights, titles, powers and privileges of the Federal association and shall succeed to the rights, powers and privileges of its members, its officers and directors, or any of them. Such members, officers, or directors, or any of them, shall not thereafter, except as hereinafter expressly provided, have or exercise any such rights, powers or privileges, or act in connection with any assets or property of any nature of the association: *Provided, however,* That any officer, director or member of such association shall have the right from time to time to communicate with the Board with respect to such conservatorship or receivership. Such conservator or receiver shall furnish bond in form and amount and with surety acceptable to the Director. The Board may, at any time, direct the conservator or receiver to return the Federal association to its previous or a newly constituted management; may provide for a meeting or meetings of the members for any purpose, including, without any limitation on the generality of the foregoing, the election of directors or an increase in the number of directors, or both, or the election of an entire new board; and may provide for a meeting or meetings of the directors for any purpose, including, without any limitation on the generality of the foregoing, the filling of vacancies on the board of directors, the removal of officers, and the election of new officers, or for any of such purposes. Any such meeting of members or of directors may, as provided by the Board, be supervised or conducted by a representative of the Board. The Board may, without further hearing, replace a conservator by appointing the Federal Savings and Loan Insurance Corporation as receiver for the purpose of liquidation.

whether such conservator was appointed pursuant to a hearing or by consent.

§ 547.8 *Surrender of possession by conservator or receiver.* (a) To the association. In the event the Board shall restore a Federal association which is in the hands of a conservator or receiver to its management, such action except as the Board may otherwise provide, shall restore the rights, powers and privileges of its members, officers and directors, all as of the time specified by the Board. The return of a Federal association to its management from the possession of a receiver shall, by operation of law and without any conveyance or other instrument, act, or deed, revert in such Federal association the title to all its property.

(b) To a receiver. In the event a conservator is in possession of a Federal association and its affairs at the time of appointment of a receiver for such association, such conservator shall, as may be required by the Board, surrender possession of such association and its affairs to such receiver.

§ 547.9 *Costs of hearings.* Costs, as determined by the Board, of hearings held pursuant to § 547.6 may be assessed against the Federal association party to such hearing unless it is found, upon such hearing, that grounds did not exist for the appointment of a conservator or receiver.

PART 548—POWERS OF CONSERVATOR AND CONDUCT OF CONSERVATORSHIPS

- Sec.
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AUTHORITY: §§ 548.1 to 548.8 issued under sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp.

§ 548.1 *Procedure upon taking possession.* Upon taking possession, pursuant to § 547.7 of this subchapter, of such Federal association, the conservator shall forthwith:

(a) Notify, by written notice served personally or by registered mail or telegraph, all banks, trust companies and all other individuals, partnerships, corporations, and associations known to such conservator to be holding or in possession of any assets of such association;

(b) File with the Secretary to the Board a statement (1) that he has taken possession, pursuant to § 547.7 of this subchapter, of such Federal association and (2) of the time of such taking of possession; and such statement shall be conclusive evidence of such taking of possession and of the time of such taking of possession, and

(c) In the event one of the grounds for the appointment of the conservator is that set forth in § 547.1 (a) of this subchapter, post a notice in substantially the following form on the door of the home office of such association:

----- Federal Savings and Loan Association -----
----- is in the possession and charge of the undersigned as conservator under appointment by the Federal Home Loan Bank Board.

(Conservator)

(Date)

§ 548.2 *Powers and duties of conservator.* The conservator, subject to the direction and supervision of the Director, shall, after taking possession, pursuant to § 547.7 of this subchapter, take such action as may be necessary to conserve the assets of the association pending further disposition of its affairs. The term "Director", when used in this part shall mean the Director and any Associate or Assistant Director of the Division of Supervision of the Board. The conservator shall forthwith in his name, in the name of the association, in the name of both, or otherwise, collect all obligations and money due the association, and in his name, in the name of the association, in the name of both, or otherwise:

(a) May do all things desirable or expedient in his discretion to carry on the business of the association to an extent consistent with his appointment and to preserve and conserve the assets and property of every nature of such association, but shall not declare, credit, pay or distribute dividends on its savings accounts except with the approval of the Board or of the Director;

(b) May exercise all the rights and powers of such association, including, without any limitation on the generality of the foregoing, any rights and powers under any mortgage, deed of trust, chose in action, option, collateral note, contract, judgment or decree, share or certificate of share of stock, or instrument of any nature;

(c) May, with the approval of the Board or of the Director, pay off and discharge any taxes, assessments, liens, claims, or charges of any nature against the association or the conservator or any assets or property of any nature of such association;

(d) May pay out and expend such sums as he shall deem necessary or advisable:

(1) For or in connection with the preservation, maintenance, conservation or protection of any asset or property of such association, or

(2) With the approval of the Board or the Director, for or in connection with the remodeling, repair, rehabilitation or improvement not necessary for such preservation, maintenance, conservation or protection of any asset or property of such association;

(e) May, with the approval of the Board or the Director:

(1) Pay out and expend such sums as he shall deem necessary or advisable for or in connection with the preservation, maintenance, conservation or protection of, or

(2) Pay off and discharge any taxes, assessments, liens, claims or charges of any nature against, any asset or property of any nature on which the association or conservator has a lien by way of

mortgage, deed of trust, pledge or otherwise, or in which the association or conservator has an interest of value of any nature;

(f) May, under the direction and supervision of the General Counsel of the Board, institute, prosecute, maintain, defend, intervene, and otherwise participate in any and all actions, suits or other legal proceedings by and against the conservator or association or in which the conservator, the association, or its creditors or members, or any of them, shall have an interest, and in every way to represent such association, its members and creditors;

(g) (1) May, with the approval of the Director, employ such assistants and employees as he may deem necessary for the proper administration of the conservatorship, and shall by bond cover all such assistants and employees in form satisfactory to such conservator and to the said Director, the cost of the same and the cost of the conservator's bond to be paid out of the assets of the association in the possession of the conservator; and

(2) Shall employ any attorney or attorneys designated by the General Counsel of the Board, in connection with litigation or otherwise to give legal advice and assistance, for the conservatorship generally or in particular instances, and pay retainers and compensation of such attorney or attorneys, together with all expenses, including, but not limited to, the costs and expenses of any litigation, as approved by said General Counsel, out of the assets of the association;

(h) May execute, acknowledge, and deliver any and all deeds, contracts, leases, assignments, bills of sale, releases, extensions, satisfactions, and other instruments necessary or proper for any purposes, including, without limitation on the generality of the foregoing, the effectuation or termination of any sale, lease or transfer of real, personal or mixed property. Any deed or other instrument executed pursuant to the authority hereby given shall be as valid and effectual for all purposes as if the same had been executed, as the act and deed of the association or otherwise, by the officers of such association by authority of its board of directors;

(i) The conservator shall close such bank accounts and open such additional bank accounts for the association as he shall deem advisable subject to the approval of the Director, but no account shall be retained or opened in a bank which is not insured by the Federal Deposit Insurance Corporation or in any Federal Home Loan Bank except with the approval of the Board;

(j) (1) May, with the approval of the Board or the Director, sell for cash any mortgage, deed of trust, chose in action, bond, note, contract, judgment or decree, or share or certificate of share of stock or debt, owing to such association, at not less than the actual amount owing the association thereon or the face or par value thereof, and

(2) May, with the approval of the Board, or on terms and conditions approved by the Board, sell for cash or on terms, or exchange or otherwise dispose

of, at less than the amount owing the association thereon or the face or par value thereof, in whole or in part, any mortgage, deed of trust, chose in action, bond, note, contract, judgment or decree, share or certificate of share of stock or debt, owing to such association;

(k) (1) May lease on a month to month basis, or for a term of not to exceed one year, and

(2) May, with the approval of the Board, or on terms and conditions approved by the Board, sell for cash or on terms, lease for a period of more than one year, exchange or otherwise dispose of, in whole or in part, any or all of the assets and property of the association, real, personal, and mixed, tangible and intangible, of any nature;

(l) May, with the approval of the Board or the Director, or on terms and conditions approved by the Board or the Director, surrender, abandon, and release any choses in action, or other assets or property of any nature, whether the subject of pending litigation or not, and reject or repudiate any lease or contract which he considers burdensome;

(m) May, with the approval of the Board, or on terms and conditions approved by the Board, settle, compromise, or obtain the release of, for cash or other considerations, claims and demands against such association or the conservator;

(n) May, with the approval of the Board, or on terms and conditions approved by the Board, settle, compromise, or release, for cash or other considerations, claims and demands in favor of the association or the conservator;

(o) May, with the approval of the Board or the Director, borrow money in any amount and from any source and in any manner, and execute, acknowledge and deliver notes, certificates, and other evidence of indebtedness therefor and secure the repayment thereof by the mortgage, pledge, assignment in trust or hypothecation of any or all of the property, whether real, personal, or mixed, of such association, and such borrowing may be for any purpose, including, without any limitation on the generality of the foregoing, protecting or preserving the assets in his possession, declaring and paying dividends to members and creditors, providing for the expense of administration, or aiding in the reopening or reorganization of such association;

(p) May pay out of the assets of the conservatorship all costs and expenses of the conservatorship and all costs of carrying out or exercising his rights, powers, privileges and duties as conservator, all as determined by him, except as otherwise provided herein; and

(q) May do such things, and have such rights, powers, privileges, immunities, and duties, whether or not otherwise granted in these rules and regulations, as shall be authorized, directed, conferred, or imposed from time to time in specific cases by order of the Board or by amendment of these rules and regulations.

For the purposes of this section, assets and property, without limitation on the generality thereof and including any

mortgage, deed of trust, chose in action, bond, note, contract, judgment or decree, share or certificate of share of stock, or debt of the association, shall include any such asset or property of the conservator.

§ 548.3 *Creditors.* The conservator may, after certification by the conservator to the Board that the assets of the association will be sufficient to meet all creditor obligations and that the condition of the association justifies, out of the assets in his possession:

(a) With the approval of the Director, make disbursements which the association was obligated to make on loan commitments and other valid contracts;

(b) With the approval of the Director, pay salaries due officers or employees of the association, permit the payment of outstanding checks given in connection with valid creditor obligations, and pay valid creditor obligations, or, in the absence of such certification or approval, may, out of the assets of the association in his possession, pay creditor obligations and make disbursements which the association was obligated to make on loan commitments, to the extent determined by the Director to be compatible with the condition of the association and the proper conduct of its affairs.

§ 548.4 *Share interests.* The conservator shall not accept any payments on or purchases, or make any repurchases, of share accounts, unless the Board shall otherwise direct by order, which order, or orders, shall be posted in a conspicuous place in the principal office of the conservator for conducting the affairs of the association, and such payments or purchases shall be accepted, or such repurchases made, only to the extent and in the manner, and with segregation to the extent, that the same, if any, may be directed in such order or orders.

§ 548.5 *Examinations inventories, reports, costs and expenses.*—(a) *Inventory.* As soon as practicable after taking possession, the conservator shall make an inventory of the assets of such association as of the date of such taking possession, showing the value as carried on the books of the association, and the security therefor, if any, in whatever form the same shall exist, with a brief description of each such asset and such security. Such assets may be listed in such groups or classes as shall, to the satisfaction of the Director, afford full information as to their character and book value, and the inventory shall include a record of the creditor and share liabilities of the association. Two copies of such inventory shall promptly be filed with the Secretary to the Board, one copy with the Director, and one copy shall during the conservatorship be retained in the principal office of the association.

(b) *Examinations and audits.* Each Federal association for which a conservator has been appointed may be examined and/or audited (with appraisals when deemed advisable by the Board) by the Division of Examinations of the Board as directed by the Board. The cost, as determined by the Board, of examinations including office analysis

thereof, audits, and any appraisals made in connection therewith, shall be paid from the assets of the association unless otherwise ordered by the Board.

(c) *Forms and reports.* The conservator shall follow such accounting practices as may, from time to time, be prescribed by the Director. The conservator shall make such reports as may be required by the Board or the Director.

§ 548.6 *Final discharge and release of conservator.*—(a) *Final report.* At such time as the conservator be relieved of his duties, the conservator shall file with the Board a detailed report in form satisfactory to the Board.

(b) *Final discharge.* Unless otherwise directed by the Board, upon the completion of the duties of the conservator or at such time as the conservator shall be otherwise relieved of his duties, an examination and audit may be directed by the Board in connection with the report of the conservator hereinbefore required. The accounts of the conservator shall be approved or disapproved by the Board, and, if approved, the conservator shall thereupon be given a complete and final release.

§ 548.7 *Inspection of reports.* All inventories, statements and reports of the conservator shall be in at least four copies unless otherwise directed by the Board or the Director. Two copies shall be filed with the Secretary to the Board, one copy with the Director, and each of the inventories, statements, and reports shall constitute permanent records of each conservatorship open for inspection at such times and on such conditions as may be from time to time directed by the Board or, in the absence of such directions, whenever the office of the Secretary to the Board shall be open for business.

§ 548.8 *Delegation by conservator.* The conservator may delegate to such persons as he may designate any or all of the powers and authorities vested in the conservator by or under §§ 548.2, 548.3 and 548.4.

PART 549—POWERS OF RECEIVER AND CONDUCT OF RECEIVERSHIPS

Sec.	
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AUTHORITY: §§ 549.1 to 549.8 issued under sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp.

§ 549.1 *Procedure upon taking possession.* Upon taking possession, pursuant to § 547.7 of this subchapter, the receiver shall forthwith:

(a) Post a notice in substantially the following form on the door of the home office of such association:

----- Federal Savings and Loan Association -----
is in the hands of the Federal Savings and Loan Insurance Corporation as receiver under

appointment by the Federal Home Loan Bank Board.

FEDERAL SAVINGS AND LOAN
INSURANCE CORPORATION
AS RECEIVER,

By _____
(Title)

(Date)

(b) Notify, by written notice served personally or by registered mail or telegraph, all banks, trust companies, and all other individuals, partnerships, corporations and associations known to it to be holding or in possession of any assets of such associations; and

(c) File with the Secretary to the Board a statement (1) that it has taken possession, pursuant to § 547.7 of this subchapter, of such Federal association, and (2) of the posting and time of posting of the notice pursuant to the provisions of paragraph (a) of this section, together with a copy of such notice; and such statement shall be conclusive evidence of the posting and time of posting of such notice. Notice of appointment of a receiver or conservator shall forthwith be filed for publication in the FEDERAL REGISTER.

§ 549.2 *Disposition.* Unless the Board shall otherwise order, the receiver shall, within 20 days of its appointment, recommend to the Board a plan for the reorganization, consolidation, merger, liquidation or other disposition of the association. Such recommended plan may provide that the receiver as such may (a) take over the assets of and operate the association, (b) take such action as may be necessary to put it in a sound and solvent condition, (c) merge it with another insured institution, (d) organize a new Federal savings and loan association to take over its assets, or (e) proceed to liquidate its assets in an orderly manner. The Board shall thereupon adopt a plan which may provide for the reorganization, consolidation, merger, liquidation or other disposition of the association, which plan, including any amendments thereto and substitutions therefor ordered at any time by the Board, shall be carried into effect by the receiver. The facilities of the Board may be availed of in carrying out the plan.

§ 549.3 *Powers and duties of receiver.* The receiver, after posting notice pursuant to § 549.1, shall, in its name, in the name of the association, in the name of both, or otherwise, collect all obligations and money due such association, and may, in its name, in the name of the association, in the name of both, or otherwise:

(a) Do all things desirable or expedient in its discretion to carry on the business of such association to an extent consistent with its appointment and to preserve and conserve the assets and property of every nature of such association, but shall not declare, credit, pay or distribute dividends on its savings accounts except with the approval of the Board or of the Director;

(b) Exercise all the rights and powers of such association, including, without any limitation on the generality of the foregoing, any rights and powers

under any mortgage, deed of trust, chose in action, option, collateral note, contract, judgment or decree, share or certificate of share of stock, or instrument of any nature;

(c) Pay off and discharge any taxes, assessments, liens, claims, or charges of any nature against the association or the receiver or any asset or property of any nature of such association;

(d) Pay out and expend such sums as it shall deem necessary or advisable for or in connection with the preservation, maintenance, conservation, protection, remodeling, repair, rehabilitation, or improvement of any asset or property of any nature of such association;

(e) Pay out and expend such sums as it shall deem necessary or advisable for or in connection with the preservation, maintenance, conservation, or protection of, or pay off and discharge any taxes, assessments, liens, claims, or charges of any nature against, any asset or property of any nature on which the association or the receiver has a lien by way of mortgage, deed of trust, pledge or otherwise, or in which the association or receiver has an interest of value of any nature;

(f) Institute, prosecute, maintain, defend, intervene, and otherwise participate in any and all actions, suits, or other legal proceedings by and against the receiver or association or in which the receiver, the association, or its creditors or members, or any of them, shall have an interest, and in every way to represent such association, its members and creditors;

(g) Employ any attorney or attorneys designated by, or acceptable to, the General Counsel of the Federal Home Loan Bank Board in connection with litigation or otherwise to give legal advice and assistance, for the receivership generally or in particular instances, and pay retainers and compensation of such attorney or attorneys, together with all expenses, including, but not limited to, the costs and expenses of any litigation, as approved by said General Counsel, out of the assets of the association;

(h) Execute, acknowledge, and deliver any and all deeds, contracts, leases, assignments, bills of sale, releases, extensions, satisfactions, and other instruments necessary or proper for any purposes, including, without any limitation on the generality of the foregoing, the effectuation or termination of any sale, lease or transfer of real, personal or mixed property, or that shall be necessary or proper to liquidate or carry on the business of such association. Any deed or other instrument executed pursuant to the authority hereby given shall be as valid and effectual for all purposes as if the same had been executed as the act and deed of the association or otherwise, by the officers of such association by authority of its board of directors;

(i) Deposit the moneys and funds in any bank or banks insured by the Federal Deposit Insurance Corporation or in any Federal Home Loan Bank, or any other banks or other depositories approved for such purposes by the Board. All depository bank accounts of the receiver shall be carried as follows: "Federal Savings

and Loan Insurance Corporation, Receiver for _____ Association.";

(j) Sell for cash or on terms, exchange, or otherwise dispose of, in whole or in part, any mortgage, deed of trust, chose in action, bond, note, contract, judgment or decree, share or certificate of share of stock or debt, owing to such association;

(k) Sell for cash or on terms, exchange or otherwise dispose of, in whole or in part, any or all of the assets and property of the association, real, personal, and mixed, tangible and intangible, of any nature;

(l) Surrender, abandon, and release any choses in action, or other assets or property of any nature, whether the subject of pending litigation or not, and reject or repudiate any lease or contract which it considers burdensome;

(m) Settle, compromise, or obtain the release of, for cash or other considerations, claims and demands against such association or the receiver;

(n) Settle, compromise, or release, for cash or other considerations, claims and demands in favor of the association or the receiver;

(o) With the approval of the Board and on terms and conditions approved by the Board, borrow money in any amount and from any source and in any manner, and execute, acknowledge and deliver notes, certificates, and other evidence of indebtedness therefor and secure the repayment thereof by the mortgage, pledge, assignment in trust or hypothecation of any or all of the property, whether real, personal, or mixed, of such association, and such borrowing may be for any purpose, including, without any limitation on the generality of the foregoing, facilitating liquidation, carrying on the business of such association, protecting or preserving the assets in its possession, declaring and paying dividends to members and creditors, providing for the expense of administration and liquidation, or aiding in the reopening or reorganization of such association;

(p) Pay out of the assets of the receivership all costs and expenses of the receivership and all costs of carrying out or exercising its rights, powers, privileges and duties as receiver, all as determined by it, except as otherwise provided in this section; and

(q) Do such things, and have such rights, powers, privileges, immunities, and duties, whether or not otherwise granted in the rules and regulations in this chapter, as shall be authorized, directed, conferred, or imposed from time to time in specific cases by order of the Board, or by amendment of the rules and regulations in this chapter. For the purposes of this section, assets and property, without limitation on the generality thereof and including any mortgage, deed of trust, chose in action, bond, note, contract, judgment or decree, share or certificate of share of stock, or debt of the association, shall include any such asset or property of the receiver.

§ 549.4 *Creditor claims.* (a) In the event the Board shall adopt a plan providing for the liquidation of the associa-

tion, as provided in § 549.2, the receiver shall promptly publish, in a newspaper printed in the English language and of general circulation in the city or county in which the home office of such Federal association is located, a notice to all creditors of such Federal association to present their claims with proof thereof to such receiver on or before a date specified in such notice. The date specified in such notice shall be at least 90 days after the date of the first publication of such notice (Sundays and holidays included). Such notice shall be similarly published on dates approximately one month and two months respectively after the date of such first publication. Claims not filed within such period shall be disallowed, except as they may thereafter be approved by the Board for payment in whole or in part out of the assets of said Federal association remaining undistributed at the time of such approval. The receiver shall mail a similar notice to any creditor, shown to be such on the books of the association, at the last address of such creditor as the same shall appear on such books.

(b) Any claim proved to the satisfaction of the receiver shall be allowed by the receiver except as provided in paragraph (a) of this section. The receiver may disallow in whole or in part or reject in whole or in part any creditor claim or claim of security, preference or priority not proved to its satisfaction, and notice of such disallowance or rejection together with the reason therefor shall be served by the receiver upon the claimant. The mailing of notice of such disallowance or rejection to the last known address of any claimant appearing on the books or the proof of claim shall be deemed sufficient for the purposes hereof. Unless such claimant shall within 30 days after the mailing of such notice (Sundays and holidays included) file with the Board written request for payment regardless of such disallowance or rejection by the receiver, such disallowance or rejection shall be final except as the Board may otherwise determine in its discretion.

(c) Upon the expiration of the time fixed for the presentation of creditor claims by the notice provided for in paragraph (a) of this section, the receiver shall cause to be filed with the Board a full and complete list of such claims presented. Such list shall indicate the character of each claim therein listed and whether or not allowed by the receiver. At such other date or dates as may be ordered by the Board or determined by the receiver, a list of claims presented before such date shall be filed with the Board.

(d) Allowed creditor claims, and creditor claims approved for payment by the Board regardless of disallowance or non allowance by the receiver, shall be paid by the receiver, from time to time, to the extent that funds are available, in such manner and amount as may be directed by the Board.

§ 549.5 *Share interest claims.* (a) In the event the Board shall adopt a plan providing for the liquidation of the association, as provided in § 549.2, the receiver shall, within six months from the date of the adoption of such plan,

publish, in a newspaper printed in the English language and of general circulation in the city or county in which the home office of such Federal association is located, a notice to all shareholders of such Federal association to present their sworn proofs of claim of ownership thereof to such receiver on or before a date specified in such notice. The date specified in such notice shall be 3 years after the date of the appointment of the receiver. Such notice shall urge that claims of ownership be presented promptly and shall be similarly published on dates approximately 1 year and 2 years respectively after the date of such first publication. Claims of ownership not filed within the period stated in the notice shall be disallowed, except as they may thereafter be approved by the Board for payment in whole or in part out of the assets of said Federal association remaining undistributed at the time of such approval. The receiver shall mail a similar notice to any shareholder, shown to be such on the books of the association in the possession of the receiver, at the last address of such shareholder as the same shall appear on such books: *Provided, however,* That such notice need not be mailed to the holder of a share account that has been surrendered and transferred to, or is in the process of being surrendered and transferred to, the Federal Savings and Loan Insurance Corporation. At the time of the declaration of the first liquidating dividend, the receiver shall credit to a special reserve the proportionate shares of such liquidating dividend otherwise payable to the holders of unclaimed share accounts shown on the books of the association which appear to be outstanding and valid, and similar credits shall from time to time be made for any subsequent liquidating dividends as the same may be declared before the date specified in the notice provided for in this paragraph. The final liquidating dividend to shareholders whose claims of ownership have been allowed may include any sums held in such accounts or any portion thereof, but such dividend shall in no event be paid before the date specified in the notice provided in this paragraph.

(b) Any share ownership proved to the satisfaction of the receiver shall be allowed by the receiver. The receiver may disallow in whole or in part any claim of share interest not proved to its satisfaction, and notice of such disallowance together with reason therefor shall be served by the receiver upon the claimant. The mailing of notice of such disallowance to the last known address of any claimant appearing on the books or proof of claim shall be deemed sufficient for the purposes hereof. Unless such claimant shall file with the Board written request for payment regardless of such disallowance or rejection by the receiver within 30 days after the mailing of such notice (Sundays and holidays included), such disallowance or rejection shall be final except as the Board shall otherwise determine in its discretion.

(c) Upon the expiration of the time fixed for the presentation of claims of share interest by the notice provided for

in paragraph (a) of this section, the receiver shall cause to be filed with the Board a full and complete list of such claims presented. Such list shall indicate the character of each claim therein listed and whether or not allowed by the receiver. At such other date or dates as may be ordered by the Board or determined by the receiver, a list of claims presented before such date shall be filed with the Board.

(d) Upon the payment of insurance to the holder of a share interest, the transfer to the Federal Savings and Loan Insurance Corporation of the insured account, and the subrogation of the Federal Savings and Loan Insurance Corporation with respect to such insured account to the extent provided by law, shall be noted on the books of the receivership.

(e) Allowed claims of share interest to which the Federal Savings and Loan Insurance Corporation has become subrogated; uninsured claims of share interest allowed by the receiver, and claims of share interest approved for payment by the Board regardless of disallowance or nonallowance by the receiver, shall be paid by the receiver in liquidating dividends declared from time to time by the Board, to the extent that funds are available, in such manner and amounts as may be directed by the Board.

§ 549.6 *Inventories, examinations, and reports.* (a) *Inventory.* As soon as practicable after taking possession, the receiver shall make an inventory of the assets of such association as of the date of such taking possession, showing the value as carried on the books of the association, and the security therefor, if any, in whatever form the same shall exist, with a brief description of each such asset and such security. Such assets may be listed in such groups or classes as shall, to the satisfaction of the Board, afford full information as to their character and book value, and the receiver shall include a record of the creditor and share liabilities of the association. One copy of such inventory shall promptly be filed with the Secretary to the Board, one copy with the Federal Savings and Loan Insurance Corporation, and one copy shall be retained in the principal office for liquidation of the association, so long as such office is maintained.

(b) *Examinations and audits.* Each Federal association for which a receiver has been appointed shall be examined and audited (with appraisals when deemed advisable by the Board) at least annually by the Examining Division of the Board or as otherwise directed by the Board. The cost, as determined by the Board, of examinations, including office analysis thereof, audits, and any appraisals made in connection therewith, shall be paid from the assets of the association.

(c) *Forms and reports.* The receiver may, from time to time, prescribe the accounting practices to be followed. The receiver shall make an annual report of its affairs as of June 30 of each year to the Board on forms prescribed by the Board or the receiver, and such other reports as may be from time to time required by the Board or the receiver

and shall accompany each recommendation for the declaration and payment of a liquidating dividend with a report showing the available assets. One copy of the reports required in this section shall be filed with the Secretary to the Board, one copy shall be retained by the Federal Savings and Loan Insurance Corporation, and one copy shall be retained in the principal office for the liquidation of the association, so long as such is maintained.

§ 549.7 *Final discharge and release of receiver*—(a) *Final report*. At such time as the receiver shall recommend a final distribution of the assets or at such time as the receiver shall be otherwise relieved of its duties, the receiver shall file with the Board a detailed report in form satisfactory to the Board.

(b) *Final discharge*. Unless otherwise directed by the Board, upon the final liquidation of the receivership, or the completion of the duties of the receiver or at such time as the receiver shall be otherwise relieved of its duties, an examination and audit of the association in receivership shall be conducted. The accounts of the receiver shall thereupon be approved or disapproved, and, if approved, the receiver shall thereupon be given a complete and final discharge and release.

§ 549.8 *Inspection of reports*. All inventories, statements and reports of the receiver shall be in at least as many copies as required by the regulations in this chapter or as shall be otherwise directed by the Board. One copy shall be filed with the Board and a duplicate shall be filed with the Federal Savings and Loan Insurance Corporation, and each of the inventories, statements, and reports shall constitute permanent records of each liquidation open for inspection at such times and on such conditions as may be from time to time directed by the Board or, in the absence of such directions, whenever the office of the Secretary to the Board shall be open for business.

PART 551—SERVICE OF PROCESS UPON BOARD

§ 551.1 *Agents for service of process*. Any Federal association desiring to serve process upon the Board in any jurisdiction may obtain the name and address of the proper agent by communicating with the Secretary of the Federal Home Loan Bank Board, Washington, D. C., or the President of the Federal Home Loan Bank in the district in which such jurisdiction is located. Upon a request for the name of an agent upon whom service of process may be made, the Board shall promptly designate such an agent in any jurisdiction where there is not at that time such an agent.

(Sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp.)

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 561—DEFINITIONS

Sec.
561.1 Insured institution.
561.2 Insured member.

Sec.
561.3 Joint account; community property.
561.4 Insured account.
561.5 Account of an insured member.
561.6 All insured accounts.
561.7 Principal office.

AUTHORITY: §§ 561.1 to 561.7 issued under secs. 402, 403, 48 Stat. 1256, as amended, 1257, as amended; 12 U. S. C. 1725, 1726, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp. Interpret or apply sec. 401, 48 Stat. 1255, as amended; 12 U. S. C. 1724.

§ 561.1 *Insured institution*. An "insured institution" is a Federal savings and loan association, a building and loan, savings and loan, or homestead association, or a cooperative bank, whose accounts are insured by the Federal Savings and Loan Insurance Corporation, referred to in this subchapter as the "Corporation". The Federal Home Loan Bank Board is referred to in this subchapter as the "Board".

§ 561.2 *Insured member*. An "insured member" may be an individual, a partnership, an association, or a corporation holding an insured account. Each officer, employee, or agent of the United States, of any State of the United States, of the District of Columbia, of any Territory of the United States, of Puerto Rico, of the Virgin Islands, of any county, of any municipality, or of any political subdivision thereof, herein called "public unit," having official custody of public funds and lawfully investing the same in an insured account is an insured member in such custodial capacity separate and distinct from any other officer, employee, or agent of the same or any public unit having official custody of public funds and lawfully investing the same in the same insured institution in custodial capacity. Each valid trust estate invested by the fiduciary in an insured account is an insured member separate and distinct from any other valid trust estate invested by the same or another fiduciary in the same insured institution. If the owner or the beneficiary of any such trust estate has any other investment in the same insured institution, held in a different capacity and right, he is, as to such investment, an insured member separate and distinct from such trust estate. In the event the funds of more than one trust estate, such trust estate being the interest of each beneficiary in such trust funds, are invested by the fiduciary in one insured account in an insured institution and the interest of each particular trust estate in such insured account is disclosed upon the records of the insured institution or upon the records of the fiduciary maintained in good faith and in the regular course of business, each such trust estate will be considered as a separate insured account as disclosed upon such records. In the event a fiduciary invests in one insured account funds of more than one trust estate which are commingled, each such trust estate in such insured account will be considered as a separate insured account for an amount determined by apportioning the total amount in the insured account to the trust estates having an interest therein upon the same ratio as the interest of such trust estates in the total commingled fund out of which the investment was made by the fiduciary.

§ 561.3 *Joint account; community property*. An insured account held jointly or as community property is insured in the same manner as an insured account held by a partnership, up to but not exceeding \$10,000 jointly to the holders thereof. Each of such holders may in addition hold a separate account in the institution, which is insured up to but not exceeding \$10,000.

§ 561.4 *Insured account*. An "insured account" is a withdrawable or repurchasable share, investment certificate, deposit, or savings account held by an insured member in an institution insured by the Corporation, up to but not exceeding \$10,000 to any insured member. Accounts which by the terms of the contract of the holder with the institution or by provisions of state law cannot be withdrawn or the value thereof paid to the holder until all of the liabilities, including other classes of share liabilities, of the institution have been fully liquidated and paid upon the winding up of the institution are not insurable, and are hereinafter referred to as "nonwithdrawable accounts".

§ 561.5 *Account of an insured member*. An "account of an insured member" is the total amount credited (or when dividends are not credited, apportionable after having been apportioned to a series) to any member in withdrawable or repurchasable accounts, whether or not such accounts are subject to any pledge, whether or not such accounts are insured in full, and whether or not dividends are subject to recapture. The total insurance which any insured member may have in any one insured institution is \$10,000, whether the insured member has one or more insurable accounts. If such insurable accounts are of different character, the Corporation reserves the right to determine upon payment of insurance which of such accounts shall carry the \$10,000 aggregate of insurance.

§ 561.6 *All insured accounts*. The term "all insured accounts" means the aggregate of all insured accounts of \$10,000 or under, plus the sum of \$10,000 for each insured account of more than \$10,000.

§ 561.7 *Principal office*. The term "principal office" means the home office of an institution established as such in conformity with the laws under which the insured institution is organized.

PART 562—APPLICATIONS FOR INSURANCE

Sec.
562.1 Applications for insurance.
562.2 Forms, procedure, requests for examination, audit and appraisal.
562.3 Eligibility for insurance.
562.4 Recommendations regarding prerequisites to insurance.
562.5 Costs of examination, audit and appraisal.
562.6 Corporation action on application for insurance.
562.7 Effective date of insurance; initial premium payment, issuance of certificate of insurance.
562.8 Prompt compliance with conditions precedent to insurance required.
562.9 Prohibition against advertising prospective insurance.
562.10 Lending area.

AUTHORITY: §§ 562.1 to 562.10 issued under secs. 402, 403, 48 Stat. 1256, as amended, 1257, as amended; 12 U. S. C. 1725, 1726, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp.

§ 562.1 Applications for insurance—
(a) *Federal savings and loan associations.* Upon the grant of a charter to a Federal savings and loan association, it shall promptly do all things required by the rules and regulations in this part to obtain insurance.

(b) *Other eligible institutions.* Other eligible institutions may apply at any time.

§ 562.2 Forms, procedure, requests for examination, audit and appraisal. Applicants for insurance shall proceed as follows:

(a) Upon the grant of a charter to a Federal savings and loan association it shall promptly request the Federal home loan bank of the district in which it is located to supply it with appropriate forms of application for insurance.

(b) A State-chartered institution shall request the Federal home loan bank of the district in which it is located to supply it with appropriate forms of application for insurance.

(c) Each applicant shall file in duplicate the following with the Federal home loan bank of the district in which it is located:

(1) Duly executed formal application for insurance.

(2) Certified resolution adopted by its board of directors requesting the Corporation to make such examination and audit of its affairs and books and such appraisal of its assets as the Corporation shall consider advisable and necessary in order to determine applicant's eligibility for insurance.

(d) In cases where it is apparent that the financial condition of an applicant for insurance is such that it cannot qualify for insurance without segregation of its assets or a readjustment of its capital, such applicant may file its application for insurance, and its request for examination, audit and appraisal in the manner indicated in paragraph (c) of this section.

(e) The reports of examination, audit and appraisal prepared in compliance with the provisions of paragraphs (c) and (d), as well as all other supplementary documentary evidence obtained relating to its officers, directors, operating practices, financial and management policies and other phases of its affairs shall be considered the same as though such detailed information had been submitted by the applicant in support of such application.

The Corporation is the sole judge of the eligibility of each applicant for insurance.

§ 562.3 Eligibility for insurance—
(a) *Rejection of impaired or unsafe institution.* The Corporation will reject the application of any applicant if it finds that the capital of the applicant is impaired or that its financial policies or management are unsafe.

(b) *Rejection of institution because of the character of its management or its home-financing policy.* The Corporation may reject the application of any appli-

cant if it finds that the character of the management of the applicant or its home-financing policy is inconsistent with economical home-financing or with the purposes of insurance of accounts.

(c) *Rejection of institution because of inability to operate normally; joint office quarters.* The Corporation may reject the application of any applicant unless it finds that the applicant will be able within a reasonable time after being insured to operate in a normal manner with respect to earnings, dividends, withdrawals, or repurchases, and the attraction of new insurable accounts. Without the prior written approval of the Corporation no insured institution shall occupy office quarters which are also occupied by any individual or business organization engaged in accepting savings or investment funds from the public or in making loans of a character which the institution is authorized to make.

§ 562.4 Recommendations regarding prerequisites to insurance. If the Corporation finds that any applicant is not insurable, it may recommend such changes, adjustments, or conditions, as the Corporation deems prerequisite to the insurance of accounts.

§ 562.5 Costs of examination, audit and appraisal. The cost, as computed by the Corporation, of all examinations, including analysis of the application and reports, audits, and appraisals, overhead, per diem and traveling expenses, shall be paid by the applicant, whether or not insurance of accounts is granted.

§ 562.6 Corporation action on application for insurance. Upon receipt by the Corporation of an application for insurance, properly authorized and executed, the applicant will be informed, either:

(a) That such application for insurance is approved, or

(b) That such application for insurance will be approved when the association has submitted evidence showing compliance in a manner satisfactory to the Corporation with such conditions as are deemed necessary to enable the applicant institution to qualify for insurance, or

(c) That such application for insurance is disapproved. In the latter event, the applicant will be furnished with a brief summary of the reasons for such disapproval.

An applicant institution (other than a Federal savings and loan association) may withdraw its application either prior to or following the completion of the required eligibility examination, audit and appraisals, but it shall, nevertheless, pay the cost as computed by the Corporation, of all such examinations, audits, and appraisals.

§ 562.7 Effective date of insurance; initial premium payment; issuance of certificate of insurance. Upon the approval of any applicant for insurance the Corporation will notify the applicant, and upon receipt of the applicant's initial premium payment for such insurance, the Corporation will issue to the applicant a certificate of insurance. Insurance becomes effective upon the issuance of such certificate.

§ 562.8 Prompt compliance with conditions precedent to insurance required. Failure to proceed promptly to comply with conditions imposed or otherwise to complete the insurance of an association after its application has been approved by the Board may result in the cancellation of such approval by the Board. In case such approval is canceled, the Board may require a new examination at the expense of the applicant if the applicant should desire to resume its insurance procedure at a later date.

§ 562.9 Prohibition against advertising prospective insurance. No applicant for insurance may advertise or publicize its prospective insurance by the Corporation, without written approval of such advertising or other publicity by the Board. No applicant shall advertise or otherwise publicize that its accounts are insured until the issuance of the certificate of insurance to it.

§ 562.10 Lending area. Every applicant which on June 27, 1934, made loans on real estate situated more than fifty miles from its principal office must file with its application:

(a) A map showing the territory in which the applicant was operating on June 27, 1934.

(b) A statement of the number and amount of loans located beyond fifty miles of applicant's principal office which are outstanding at time of application.

(c) A complete statement describing its present methods of originating, appraising, closing, and servicing of loans beyond fifty miles from its principal office, and any limitations in character of loans or in amount of percentage of total assets or other base.

PART 563—OPERATIONS

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563.1	Forms of certificates and passbooks; approval of forms of investment contracts and bylaws; furnishing members with copy of charter and bylaws.
563.2	Simple form of certificate; passbooks.
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563.5	Certificates evidencing nonwithdrawable accounts.
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563.7	Definite maturity and rate; securities with definite maturity or rate outstanding at time of application for insurance.
563.8	Limitation upon borrowing.
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563.15	Premiums and their uses; amount; payment.
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563.17	Examinations; examination and audit; cost of same.
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 563.19 Bonds for directors, officers, employees, and agents; persons covered by, form of, and amount of bonds.
 563.20 Bonds for agents.
 563.21 Safe deposit business.
 563.22 Merger, consolidation, or purchase of assets.
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 563.24 Sales plans and practices; use of salesmen, sales agencies, surplus certificates, or other sales plans.
 563.25 Sales commissions.
 563.26 Collection of sales commissions.
 563.27 Advertising must be accurate.
 563.28 Advertising of insurance of accounts.
 563.29 Name of association.
 563.30 Reservation of right concerning advertising.

AUTHORITY: §§ 563.1 to 563.30 issued under secs. 402, 403, 48 Stat. 1256, as amended, 1257, as amended; 12 U. S. C. 1725, 1726, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp. Interpret or apply secs. 404, 405, 48 Stat. 1258, as amended, 1259, as amended; 12 U. S. C. 1727, 1728.

§ 563.1 Forms of certificates and passbooks; approval of forms of investment contracts and bylaws; furnishing members with copy of charter and bylaws. At the time of the application for insurance, every applicant (except a Federal savings and loan association) shall submit to the Corporation for approval copies of all savings account, share, membership, stock and deposit certificates, passbooks, and other forms of investment contracts proposed to be issued by the applicant as an insured institution; it shall also submit for such approval its charter, constitution, and bylaws, and all amendments thereto, affecting its securities and investment contracts. No insured institution (except a Federal savings and loan association) shall issue any form of savings account, share, stock, membership or deposit certificate, passbook, or other investment contract which has not been approved in writing by the Corporation. No insured institution except a Federal savings and loan association shall amend its charter, constitution, or bylaws affecting its securities or investment contracts, without the prior written approval of the Corporation. Except with the written approval of the Corporation, no insured institution may issue or have outstanding any class of insured account having preference, either as to time or amount in the event of liquidation, over any other class of insured account: *Provided*, That where there may be a change from one type of account to another, a reasonable time, to be determined by the Corporation, may be allowed to effect such change. Each insured institution shall cause a true copy of its charter and bylaws and all amendments thereto to be available to members at all times in each office of the institution, and shall upon request deliver to any member a copy of such charter, constitution, bylaws, and amendments.

§ 563.2 Simple form of certificate; passbooks. An insured mutual institution which, in accordance with State law, includes in its charter, constitution, or bylaws, a clear provision that all shareholders are members and shall share equally in earnings and in assets

(except for bonus payments under a bonus plan) pro rata to paid in value, plus credited dividends, and that the institution shall not directly or indirectly charge any membership, admission, repurchase, withdrawal, or any other fee or sum of money for the privilege of becoming, remaining or ceasing to be a member of the institution, may issue a simple form of savings or investment certificate or a passbook, approved by the Corporation, which need not contain any membership certificate or any statement of the dividend, withdrawal, or other rights of members.

§ 563.3 Long form of membership certificate. Every share, membership, or deposit certificate, passbook, or other instrument evidencing a withdrawable investment hereafter issued by an insured institution, which pays or proposes to pay a different rate of dividends or interest upon different classes of shares or securities, which prefers, or proposes to prefer, either as to time or amount of participation in earnings or assets (except by way of a bonus plan), any one or more classes of shares or securities, or which charges directly or indirectly any membership, admission, repurchase, withdrawal, or any other fee or sum of money for the privilege of becoming, remaining, or ceasing to be a saver or investor in the institution, must, unless the Corporation specifically permits omission of one or more of such recitals, include in its provisions, and display in easily read type, a full and understandable statement of the method of maturing such contracts, the rate of interest paid, or the dividend provisions, or both, under which the institution operates, and the charge or charges, if any, for the privilege of becoming, remaining, or ceasing to be a saver or investor in the institution.

§ 563.4 Transfer of securities. All securities issued by an insured institution shall be made transferable only on the books of the insured institution.

§ 563.5 Certificates evidencing non-withdrawable accounts. If certificates evidencing nonwithdrawable accounts (as defined in § 561.4 of this subchapter) are issued hereafter by an insured institution, every such certificate must include in its provisions a clear statement that such accounts are not of an insurable type and are not insured by the Federal Savings and Loan Insurance Corporation.

§ 563.6 Demand securities. No insured institution may issue any demand securities or advertise or represent that it will pay holders of its securities on demand.

§ 563.7 Definite maturity and rate; securities with definite maturity or rate outstanding at time of application for insurance. No application for insurance will be rejected because, at the time of application, the applicant has outstanding savings accounts, certificates of deposit, or other securities upon which it has contracted for a definite rate of return, or a definite maturity: *Provided*, That it appears to the Corporation that the applicant will be able to meet its obligations.

§ 563.8 Limitation upon borrowing. No insured institution shall borrow in excess of the aggregate amount authorized by the law under which such insured institution operates. No insured institution shall borrow an aggregate amount exceeding one-half the amount paid in and credited on shares, share accounts, savings accounts, stock, certificates of deposit and investment certificates; nor, within such borrowing limit, an amount aggregating more than one-fifth thereof from sources other than a Federal home loan bank or a State-chartered central reserve institution; except that with prior approval of the Board, any such association may borrow from a Federal home loan bank or from any Federal agency or instrumentality without limitation upon such terms and conditions as may be required by such bank or agency. No action of an insured institution in obtaining funds through borrowing, in accordance with the provisions of this section, shall be deemed a violation hereof, should its aggregate borrowings exceed the limitation of this section because of a subsequent reduction in the amounts paid in and credited on shares, share accounts, savings accounts, stock, certificates of deposit and investment certificates.

§ 563.9 Loans and investments; general powers. Insured institutions may lend and otherwise invest their funds to the extent and in the manner authorized by law: *Provided*, That, except as hereinafter authorized, no insured institution may make, or invest its funds in, loans on the security of real estate located more than fifty miles from its principal office and outside the territory within which the institution was operating on June 27, 1934, without the prior written approval of the Corporation. Each application to the Corporation for authority to make, or invest in, loans on the security of real estate located more than fifty miles from the institution's principal office and outside the territory within which the institution was operating on June 27, 1934, shall be supported by a map showing the area in which the institution desires to lend and invest its funds; shall state the type and character of loans to be made, including the maximum percentages of loans to appraisals; shall show the need for such facilities in such territory; and shall establish that such operation is consistent with sound and economical home financing, and that the applicant is equipped to service the loans adequately. Every loan made pursuant to any approval by the Corporation of any such application shall comply with the terms and conditions of such approval: *Provided*, That

(a) Any insured institution may without approval of the Corporation, to the extent it has legal power to do so, make or invest its funds in, any loan at least twenty percent of which is guaranteed or as to which a commitment to guarantee has been made under the provisions of the Servicemen's Readjustment Act of 1944, as now or hereafter amended;

(b) Any insured institution may, to the extent it has legal power to do so and without approval of the Corporation:

(1) Purchase any loan secured by a first lien on a home or a combination home and business property which is used in part for business purposes and in part for bona fide residential purposes for not more than four families, located in other territory more than 50 miles from its principal office; and

(2) Make, or invest its funds in, loans secured by real estate located in other territory more than 50, but not more than 100, miles from its principal office: *Provided*, That, the total amount so invested under this subparagraph shall not exceed fifteen percent of its assets:

Provided, That as to each loan made or otherwise acquired under this paragraph, such insured institution will be protected by insurance as provided in the National Housing Act or the Servicemen's Readjustment Act of 1944, as now or hereafter amended.

§ 563.9-1 *Participation Loans*—(a) *General provisions.* The approval of the Corporation to the making of loans beyond fifty miles from the principal office of an insured institution as set forth in Title IV of the National Housing Act is hereby granted to each insured institution to the extent set forth in this section. Subject to the provisions of this section, any insured institution may, to the extent it has legal power to do so, participate with another lender or lenders in making a loan secured by first lien upon a home located more than fifty miles from its principal office and outside the territory aforesaid, provided each of the lenders is an insured institution, or purchase from any insured institution a participation in such a loan.

(b) *Retention.* No insured institution shall participate in the making of a loan pursuant to the approval granted by this section unless the property securing the loan is located within fifty miles from the principal office of another lender which participates to the extent of at least fifty percent in the making of such loan. No insured institution shall purchase a participation in a loan pursuant to the approval granted by this section unless the property securing the loan is located within fifty miles from the principal office of the seller and the seller, at the close of the sale, has a participation of at least fifty percent in such loan.

(c) *Percentage of assets.* No insured institution shall participate in the making of a loan pursuant to the approval granted by this section or purchase a participation in a loan pursuant to such approval if the resulting aggregate amount of such institution's investments made pursuant to such approval would exceed twenty percent of the insured institution's assets.

(d) *Applicability of other provisions.* The participation by an insured institution in the making of a loan pursuant to the approval granted by this section, or the purchase by an insured institution of a participation in a loan pursuant to such approval, shall not be subject to the provisions of § 563.10. A sale by an insured institution to another insured institution of a participation in a loan shall not be regarded as a sale of a loan or of a mortgage within the meaning of

§ 563.23 and shall not be subject to the provisions of § 563.23.

(e) *Definition.* As used in this section, the term "home" means real estate which is, or which from the proceeds of the loan will become, real estate upon which there is located a structure or structures designed principally for residential use for not more than four families in the aggregate.

§ 563.10 *Appraisal requirements.* No insured institution shall grant, make, disburse any portion of, or invest its funds in, any loan on the security of real estate located more than fifty miles from its principal office and outside the territory within which the institution was operating on June 27, 1934, until

(a) At least one qualified person, whose compensation shall not be affected in any way by the approval or declining of the loan, has appraised the real estate security; and

(b) The signed appraisal or appraisals have been approved in writing by the board of directors or the loan committee of the insured institution, in whose records the appraisal reports as approved by the board of directors or the loan committee shall be kept;

Provided, That the requirements of this section shall not apply to any loan upon the security of improved real estate, which is insured, or at least twenty percent of which is guaranteed, or as to which such institution is insured, or as to which a commitment for any such insurance or guaranty has been made under the provisions of the Servicemen's Readjustment Act of 1944, as now or hereafter amended, or the provisions of the National Housing Act, as now or hereafter amended.

§ 563.11 *Setting up, designation, and purpose of Federal insurance reserve.* Each insured institution shall set up a Federal insurance reserve account which shall be used solely for the purpose of absorbing losses. No insured institution may pay dividends from its Federal insurance reserve account. Any insured state-chartered institution may by resolution of its board of directors or by other appropriate corporate action designate as its Federal insurance reserve account any reserve account which under the provisions of state law is established for the sole purpose of absorbing losses. Evidence of such action shall be filed with the Corporation. With the prior written approval of the Corporation, any other reserve account which by specific and adequate corporate action of an insured institution is made subject to charges for losses only, may be designated as its Federal insurance reserve account. The general reserves of Federal savings and loan associations operating under Charter K, Charter K (rev.) or Charter N are deemed to meet the requirements of this section.

§ 563.12 *Original credit to Federal insurance reserve account.* During the fiscal year in which a certificate of insurance is issued to an insured institution, it shall credit to its Federal insurance reserve account an amount at least equal to that fraction of $\frac{3}{10}$ of 1 percent of all insurable accounts on the

date of its latest financial statement or report in support of its application for insurance which the unexpired portion of its fiscal year from the date of such certificate is to its full fiscal year, calculated to the nearest month.

§ 563.13 *Required amounts and maintenance of Federal insurance reserve*—(a) *Prior to and at expiration of twenty years from date of insurance.* Each insured institution shall, except as provided in § 563.12, during each of the fiscal years immediately following the date of insurance of its accounts credit to its Federal insurance reserve account an amount equal to at least $\frac{3}{10}$ of 1 percent of all insured accounts at the beginning of such fiscal year; and shall build up such reserve account so that, at the closing on the closing date next preceding the stated anniversary of the date of insurance of accounts, such reserve account shall be at least equal to the following percentage of all insured accounts at the beginning of the fiscal year in which such closing date occurs:

1.25 percent at the fifth anniversary.
1.50 percent at the sixth anniversary.
1.75 percent at the seventh anniversary.
2.0 percent at the eighth anniversary.
2.25 percent at the ninth anniversary.
2.50 percent at the tenth anniversary.
2.75 percent at the eleventh anniversary.
3.0 percent at the twelfth anniversary.
3.25 percent at the thirteenth anniversary.
3.50 percent at the fourteenth anniversary.
3.75 percent at the fifteenth anniversary.
4.0 percent at the sixteenth anniversary.
4.25 percent at the seventeenth anniversary.
4.50 percent at the eighteenth anniversary.
4.75 percent at the nineteenth anniversary.

Provided, That if at any such time the amount of the Federal insurance reserve account of an insured institution is less than the amount required by the preceding requirements such institution shall credit to such reserve account, at such time and at each closing date thereafter, an amount at least equal to 25 percent of its net income or such part of such 25 percent as may then be sufficient to cause the amount of such reserve account to equal at least the amount required by the requirements of this paragraph, until the amount of such reserve account equals at least the amount required by the requirements of this subsection (but the amount credited during any fiscal year shall be at least equal to $\frac{3}{10}$ of 1 percent of all insured accounts at the beginning of such fiscal year): *Provided further*, That credits to the Federal insurance reserve account need not be made under the foregoing provisions of this paragraph at any closing date if, at the closing on such closing date, the Federal insurance reserve account equals or exceeds 5 percent of all insured accounts at the close of business on such closing date: *Provided further*, That, notwithstanding any other provision of this section except paragraph (b), each insured institution shall have a Federal insurance reserve account at least equal to 5 percent of all insured accounts at the beginning of that half of the institution's fiscal year in which occurs the twentieth anniversary of the date of insurance of the institution's accounts. The term "closing date" as used in this

section includes any annual, semiannual, or other closing date.

(b) *Earmarking of undivided profits.* If, at the beginning of that half of an insured institution's fiscal year in which occurs the twentieth anniversary of the date of insurance of the institution's accounts, the Federal insurance reserve account of such institution is less than 5 percent but not less than 3 percent of all insured accounts, such institution, for the purpose of the twenty-year requirement, may earmark undivided profits in an amount which, when combined with the amount in its Federal insurance reserve account, will equal 5 percent of all insured accounts. The funds so earmarked shall be considered a part of the Federal insurance reserve and be subject to all the limitations which apply thereto until such reserve account exclusive of the undivided profits so earmarked equals 5 percent of all insured accounts: *Provided*, That, at the closing of any fiscal year, undivided profits so earmarked may be released from such earmarking to the extent that the aggregate amount of the Federal insurance reserve account and such earmarked undivided profits exceeds the sum of 5 percent of all insured accounts at the close of such fiscal year and 10 percent of the net income of the insured institution for each fiscal year subsequent to the fiscal year in which occurs the twentieth anniversary of the date of insurance of the institution's accounts. References in this paragraph and in paragraph (c) of this section to earmarked undivided profits include earmarked undivided profits which were earmarked under prior regulations.

(c) *After expiration of twenty years from date of insurance.* After the fiscal year in which occurs the twentieth anniversary of the date of insurance of its accounts, each insured institution that has a Federal insurance reserve account which, together with any undivided profits earmarked as provided in paragraph (b) of this section, is, at the closing of any fiscal year, equal to at least 5 percent of all insured accounts at the beginning of such fiscal year shall, during such fiscal year, credit from net income, or from surplus or undivided profits not so earmarked, to its Federal insurance reserve account or to other reserve accounts irrevocably established for the sole purpose of absorbing losses, an amount equal to at least 10 percent of its net income or the amount by which the total of such reserve accounts and of nonwithdrawable accounts (as defined in § 561.4), undivided profits, surplus, and reserve for bad debts is, at the close of such fiscal year, less than 12 percent of all insured accounts at the close of such fiscal year: *Provided*, That any such insured institution may reduce the amount of credit required by the foregoing provisions of this sentence during any fiscal year to the extent that the total amount of credits made to such reserve accounts subsequent to the fiscal year in which occurs the twentieth anniversary of the date of insurance of the institution's accounts, but within a period of not more than five years immediately preceding the fiscal year in which such credit is reduced, less the amount of

any such earmarked undivided profits released from earmarking during such period, exceeds the requirements of this paragraph exclusive of this proviso, and for the purpose of determining the amount by which the credit required by this sentence may be reduced the requirements of this paragraph, as amended, shall be deemed to have been in effect during the whole of such period. If for any reason the Federal insurance reserve account, together with any undivided profits earmarked pursuant to paragraph (b) of this section, of any insured institution which has passed the twentieth anniversary of the date of insurance of its accounts and which has built up its Federal insurance reserve account (including undivided profits, if any, so earmarked) to an amount equal to at least 5 percent of all insured accounts is, at the closing of any fiscal year, less than an amount equal to 5 percent of all insured accounts at the beginning of such fiscal year, such institution shall either (1) credit to its Federal insurance reserve account, during such fiscal year, an amount equal to at least 25 percent of its net income, or (2) credit to its Federal insurance reserve account, during such fiscal year, an amount at least equal to such part of such 25 percent as may be sufficient to cause the amount of such reserve account (including undivided profits, if any, so earmarked) at the close of such fiscal year to equal at least 5 percent of all insured accounts at the beginning of such fiscal year and (if such fiscal year is after that in which occurs the twentieth anniversary of the date of insurance of its accounts) credit, during such fiscal year, from net income, or from surplus or undivided profits not so earmarked, to the Federal insurance reserve account or to other reserve accounts irrevocably established for the sole purpose of absorbing losses, an amount equal to at least (i) the remainder of such 25 percent, (ii) 10 percent of its net income, or (iii) the amount by which the total of such reserve accounts and of nonwithdrawable accounts (as defined in § 561.4 of this subchapter), undivided profits, surplus, and reserve for bad debts is, at the close of such fiscal year, less than 12 percent of all insured accounts at the close of such fiscal year.

(d) *Applicability of this section as amended.* This section as amended by the amendments adopted on July 17, 1956, effective August 21, 1956, and on November 30, 1956, effective December 15, 1956, shall be applicable to all fiscal years ending after December 21, 1956. The provisions of this section in effect prior to August 21, 1956, shall remain in effect with respect to all fiscal years ending on or after August 21, 1956, but prior to January 1, 1957.

§ 563.14 *Charging of losses and payment of dividends.* No insured institution which has charged losses to its Federal insurance reserve account shall declare any dividends or pay any interest on savings unless the amount standing to the credit of such account, after deduction of all charges, is equal to at least the amounts required under § 563.13: *Provided*, That, for any year dividends

may be declared or interest on savings paid when losses are charged to such reserve, if the declaration of such dividends or the payment of such interest on savings is first approved by the Corporation: *And provided further*, That the Corporation hereby approves, for any such insured institution which has been insured for a period of 20 years or more and whose Federal insurance reserve account, prior to the charging of such losses, equalled at least 5 percent of all insured accounts, the declaration of dividends and the payment of interest on savings if such insured institution shall have first transferred not less than 25 percent of its net income for the same dividend period to its Federal insurance reserve account. As used in this section and in § 563.13 the term "net income" means the gross income of an insured institution from all sources after deduction of operating expenses, including interest on Federal Home Loan Bank advances and borrowed money, and losses of every kind charged to income (rather than to reserves or undivided profits), but before deduction of interest or dividends on withdrawable accounts and on nonwithdrawable accounts as defined in § 561.4 of this chapter.

§ 563.15 *Premiums and their uses; amount; payment.* Each institution whose application for insurance is approved by the Corporation shall pay to the Corporation a premium charge for such insurance at the rate fixed by statute, determined from the latest report of the insured institution filed with the Corporation. One-half of the first annual premium shall be paid at the time the certificate of insurance is issued by the Corporation. The balance of the first annual premium shall be paid six months later. Thereafter, each annual premium charge shall be paid in two equal installments, the first at the beginning of each insurance year and the second six months later, until a reserve fund has been established by the Corporation equal to 5 percent of all insured accounts and creditor obligations of all insured institutions. Such annual premiums shall be determined from the latest report of the insured institution filed with the Corporation or, if the institution has failed to file such report within 60 days prior to any date upon which its annual premium becomes due, from the latest report of the institution made or published pursuant to the requirements of law or regulations. Any amount contained in any such report covering interest accrued, but not due and payable, or dividends declared, but not due and distributable, upon an account of an insured member will not be included in the computation of premiums.

§ 563.16 *Additional premium in mergers, consolidations, or purchases of bulk assets.* In the event of the approval by the Corporation of the purchase of bulk assets or of the absorption by an insured applicant of another institution through merger or consolidation and the issuance of accounts of an insurable type in connection therewith, the applicant will be billed for an additional premium based upon the aggregate of the increase

of its accounts of an insurable type issued in connection with such transaction. Such premium shall be computed at the rate prescribed by law and shall be that proportion of the amount so computed which the unexpired portion of the applicant's insurance year bears to its entire insurance year: *Provided, however, That if the institution which is absorbed by applicant by such merger, consolidation or purchase of bulk assets is an insured institution, the applicant shall receive a credit upon its future premiums of the unearned portion of any premium theretofore paid to the Corporation by such absorbed institution.*

§ 563.17 Examinations; examination and audit; cost of same. For the protection of its insured members and other insured institutions each insured institution shall maintain safe and sound management, pursue financial policies that are safe and consistent with economical home financing and the purposes of insurance of accounts and shall be examined periodically by the Corporation, with appraisals when deemed advisable, in accordance with general policies from time to time established by resolution of the Board. Each insured institution shall be audited periodically by auditors and in a manner satisfactory to the Corporation, and may be audited at any time by the Corporation. The insured institution shall promptly file with the Corporation, through the Chief Examiner of the Federal Home Loan Bank District in which it is located, a copy of every report of its independent audit, which reports must be certified by the independent auditors. If the association has neither been audited by independent auditors within the 12-month period immediately preceding the date of such examination or within the period that has elapsed since such last preceding examination, whichever is greater, nor adopted and maintained an internal audit program acceptable to the Corporation, the examination by the Corporation shall include an audit. The cost, as computed by the Corporation, of any such audit or examination, or both, including office analysis thereof, and appraisals made in connection therewith, overhead, per diem, and travel expenses, shall be paid by the institution examined or audited. The Corporation may obtain at any time, at its expense, such appraisals of any of the assets of an insured institution as it deems appropriate.

§ 563.18 Reports to the Corporation. Every insured institution shall make an annual report of its affairs as of the end of its fiscal year upon forms prescribed by the Corporation. Two copies shall be filed with the Corporation through the Federal home loan bank of the district in which the institution is located, within 30 days after the end of the fiscal year. The officers of each insured institution shall make a monthly report to the board of directors on forms prescribed by the Corporation, copies of which shall be filed as follows: One copy shall be forwarded to the Federal home loan bank of the district in which the insured institution is located and two copies to the Corporation, Washington, D. C.

§ 563.19 Bonds for directors, officers, employees, and agents; persons covered by, form of, and amount of bonds. Each insured institution shall provide and maintain a fidelity bond in form acceptable to the Corporation covering each director, officer, agent or employee who has control over or access to cash or securities of the institution. Such bond coverage may be in the form of individual bonds, a schedule fidelity

Not over \$300,000.....	\$10,000 plus \$5,000 for each \$100,000 or fraction thereof over \$100,000.
\$300,001 to \$1,000,000.....	\$30,000 plus \$10,000 for each \$100,000 or fraction thereof over \$400,000.
\$1,000,001 to \$10,000,000....	\$100,000 plus \$20,000 for each \$1,000,000 or fraction thereof over \$2,000,000.
\$10,000,001 to \$30,000,000....	\$300,000 plus \$40,000 for each \$5,000,000 or fraction thereof over \$15,000,000.
\$30,000,001 to \$60,000,000....	\$470,000 plus \$50,000 for each \$10,000,000 or fraction thereof over \$40,000,000.
\$60,000,001 to \$100,000,000...	\$630,000 plus \$60,000 for each \$15,000,000 or fraction thereof over \$70,000,000.
\$100,000,001 and over.....	\$820,000 plus \$70,000 for each \$25,000,000 or fraction thereof over \$125,000,000;

Provided, That no insured institution shall be required to provide and maintain a fidelity bond in an amount greater than \$2,000,000. Such bond shall be approved by the Board of Directors of the insured institution and the premium shall be paid by it.

§ 563.20 Bonds for agents. In lieu of the bond provided in § 563.19 in the case of agents appointed by an insured institution, a fidelity bond may be provided in an amount at least twice the average monthly collections of such agents, provided such agents shall be required to make settlement with the insured institution at least monthly, and provided such bond is approved by the board of directors of the insured institution. No bond need be obtained for any agent which is an insured institution or a bank insured by the Federal Deposit Insurance Corporation.

§ 563.21 Safe deposit business. The bond or bonds required by this section shall protect the insured institution with respect to the operation of any safe deposit business transacted by such insured institution. Each such institution shall either (a) validly limit the replacement or loss value of the contents of each box to an amount not more than \$1,000 or (b) carry additional insurance of a type protecting the association against any and all legal liabilities arising out of the rental of safe deposit boxes in minimum amounts as follows: \$25,000 for any number of boxes up to 100, plus \$1,000 for each additional 20 boxes, or fraction thereof, available for rent, up to a maximum coverage of \$100,000; and shall not contractually incur liabilities beyond the general liabilities incident to the conduct of such business.

§ 563.22 Merger, consolidation, or purchase of assets. No insured institution may at any time increase its accounts of an insurable type in an amount in excess of 25 percent of such accounts as a part of any merger or consolidation with another institution or through the purchase of bulk assets, without the approval of the Corporation. Application

bond, or a blanket bond, covering all such persons and protecting the institution exclusively. Each such bond shall be executed by a responsible surety company or other surety acceptable to the Corporation, in minimum amounts computed upon a base consisting of the assets of the institution plus the unpaid balance of mortgages which it has contracted to service for others, as follows:

for such approval shall be upon forms prescribed by the Corporation and such information shall be furnished therewith as the Corporation may require.

§ 563.23 Brokerage business and sale of loans. No insured institution shall engage in the mortgage brokerage business: *Provided, however, That any insured institution may sell any loan at any time if the total dollar amount of loans sold, including such sale, within the calendar year beginning January 1 immediately preceding the date of such sale, does not exceed a sum equivalent to 20 percent of the dollar amount of all loans held by such insured institution at the beginning of such calendar year. The limitation upon the sale of loans may be adjusted in case of any insured institution upon application to and approval by the Corporation. All mortgages sold shall be sold without recourse, and if under a contract to service the same, then on a basis to provide sufficient compensation to the insured institution to reimburse it for expenses incurred under its service contract.*

§ 563.24 Sales plans and practices; use of salesmen, sales agencies, surplus certificates, or other sales plans. Every applicant for insurance which uses salesmen, sales agencies, surplus certificates, or other sales plans shall submit, with its application, full details thereof for approval by the Corporation. An insured institution shall not give for the opening of, or increasing the amount of, any account any give-away that has a monetary value in excess of \$2.50. The monetary value of any give-away so given shall be the cost thereof to the insured institution and the insured institution shall keep in its records for a period of at least two years suitable evidence of such cost. If the give-away is purchased or obtained by the insured institution together with, in connection with, or at the same time as another item or other items from the same supplier, not identical therewith, such value shall be deemed to be the then current regular selling price or charge of the supplier on separate sales or dispositions thereof in the quantity

included, and the insured institution shall in such case obtain, and keep in its records for a period of at least two years, a signed statement by such supplier of such regular selling price or charge. As used in the foregoing provisions of this section, the term "give" means to give, to sell or dispose of for less than full monetary value as hereinbefore defined, or with any agreement or undertaking, contingent or otherwise, for repurchase or redemption, whether total or partial, or to offer, promise, or agree to do any of the foregoing; the term "give-away" means any money, property, service, or other thing of value, whether tangible or intangible; and the term "account" means an account of an insurable type.

§ 563.25 Sales commissions. Sales commissions shall conform to the laws under which the insured institution operates, but in no event shall the sales commission exceed two percent of the par or maturity value of the securities sold, and in no case shall such commission (except on full-paid shares and certificates) be charged to any shareholder or investor, in excess of \$25.00.

§ 563.26 Collection of sales commissions. All sales commissions shall be collected by the insured institution and by it paid to the salesman. No sales commission shall be paid by any insured institution to any of its officers or directors for the sale of a withdrawable or repurchasable share, investment certificate, deposit or savings account issued by such institution, except that insured associations may distribute prizes in cash or otherwise to officers and employees engaged in new savings or account drives or contests conducted by the association.

§ 563.27 Advertising must be accurate. No insured institution shall use advertising (whether printed, radio, display, or of any other nature) or make any representation which is inaccurate in any particular or which in any way misrepresents its services, contracts, investments, or financial condition. When an insured institution is operating a branch office or offices outside of the municipality in which its principal office is located, all advertising of, or by, any such branch office, shall state clearly the location of the principal office of such insured institution.

§ 563.28 Advertising of insurance of accounts. An insured institution may advertise itself as a "member" of the Federal Savings and Loan Insurance Corporation.

§ 563.29 Name of association. No insured institution shall advertise under a name which includes the word "insured" in the name.

§ 563.30 Reservation of right concerning advertising. The Corporation reserves the right to prescribe the form in which insurance of accounts may be advertised.

PART 564—SETTLEMENT OF INSURANCE

§ 564.1 Settlement of insurance upon default. In the event of a default by an insured institution, the Corporation will promptly determine the insured members thereof and the amount of their

insured accounts. The amount of each insured account will be determined from the security contract and from the books and records of the insured institution as of the last dividend or apportionment date, plus payments on, and less repurchases and withdrawals from such insured account subsequent to such date without regard to (a) the actual value of the assets of the insured institution, (b) provisions of the security contract which authorize the insured institution, in the event of voluntary withdrawal or repurchase, to retain or deduct any amount on account of premature withdrawal or repurchase, (c) whether or not dividends are subject to recapture, and (d) whether or not dividends are credited or apportioned to a series (being apportionable to each share account of the series). The Corporation will give to each insured member of an insured institution in default, written notice of the time and place of payment of insurance, by mail at the last known address as shown by the books of the insured institution.

(Secs. 402, 405, 48 Stat. 1256, as amended, 1259, as amended; 12 U. S. C. 1725, 1728, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp. Interpret or applies secs. 401, 406, 48 Stat. 1255, as amended, 1259, as amended; 12 U. S. C. 1724, 1729)

PART 565—TERMINATION OF INSURANCE

Sec.
565.1 Effective date of termination.
565.2 Voluntary termination.
565.3 Termination by the Board.
565.4 Notice to insured members.
565.5 Cessation of existence; mergers and consolidations.
565.6 Cessation of existence; other cases.
565.7 Surrender of insurance certificate.

AUTHORITY: §§ 565.1 to 565.7 issued under secs. 402, 407, 48 Stat. 1256, as amended, 1260, as amended; 12 U. S. C. 1725, 1730, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp. Interpret or apply sec. 404, 48 Stat. 1258, as amended; 12 U. S. C. 1727.

§ 565.1 Effective date of termination. The effective date of termination of the insured status of an institution under the provisions of §§ 565.2 and 565.3 shall be the date of the written notice provided for therein.

§ 565.2 Voluntary termination. Any insured institution other than a Federal savings and loan association may terminate its status as an insured institution by written notice to the Corporation. Evidence of legal and valid action to effect termination of its insurance must be submitted by the insured institution to the Corporation with such notice.

§ 565.3 Termination by the Board—(a) Grounds. The grounds for termination of insurance of accounts of any insured institution shall consist of any one or more of the following:

(1) The violation by the insured institution of any of its duties as an insured institution;

(2) Continued unsafe or unsound practices by the insured institution in conducting its business; or

(3) The permitting by the insured institution, either knowingly or negligently, of any of its officers or agents to violate any provision of any law or

regulation to which such insured institution is subject.

(b) *Hearing.* In the event the Board is of the opinion that one or more of the grounds enumerated in paragraph (a) of this section exists for the termination of insurance of any insured institution, the Board will furnish to the appropriate governmental authority having supervision of such insured institution a statement with respect to such practices or violations and furnish a copy thereof to the insured institution: *Provided,* That, in the event there is no such supervisory authority over an insured institution operating under state law, such statement shall be sent directly to the insured institution. The insured institution shall have a period of 120 days, or such shorter period of time as the governmental authority having supervision of such insured institution, if any, may require, within which to correct such practice or violation. If satisfactory correction has not been effected by the insured institution within the specified period of time, the Board, if it shall determine to proceed further with the matter, will give the insured institution at least 30 days' written notice of intention to terminate its status as an insured institution; and such notice shall state the grounds for such termination and the time and place of a hearing at which the insured institution may appear and be heard. Such notice shall be served upon the insured institution in the manner provided in Part 509 of this chapter. Unless such insured institution shall appear at such hearing by duly authorized representative, it shall be deemed to have consented to the termination of its status as an insured institution. The hearing shall be conducted in the manner provided in said Part 509 and in accordance with the provisions of the Administrative Procedure Act as in force and effect at the time such hearing is held.

§ 565.4 Notice to insured members. Upon any termination of the status of any institution as an insured institution, such institution shall submit to the Corporation, within 60 days from the date of such termination, satisfactory evidence of the giving of notice of termination of insurance of accounts to its insured members, as provided by law, together with a copy of the notice given. In the event of the failure of any such institution to submit such evidence within the 60-day period or in the event the Corporation determines the form of notice given by such institution is unsatisfactory, the Corporation may give such notice to the insured members of the institution of the termination of its status as an insured institution as the Corporation determines appropriate.

§ 565.5 Cessation of existence; mergers and consolidations. Subject to the provisions of § 563.16 of this subchapter the termination of the existence of an insured institution by merger or consolidation shall terminate, as of the effective date of such merger or consolidation, the insured status of such insured institution and all rights of its insured members to insurance by this Corporation and its liability for insur-

ance premiums, except premiums still unpaid (including current annual premium) shall cease as of such date.

§ 565.6 *Cessation of existence; other cases.* In connection with any other case of cessation of existence of an insured institution, by lapse of charter, dissolution, voluntary liquidation, or otherwise than by reason of a default, the insured status of the insured institution, all rights of its insured members to insurance by this Corporation and its liability for insurance premiums, except premiums still unpaid (including current annual premium) shall cease, as of the date of the distribution of its final liquidating dividend.

§ 565.7 *Surrender of insurance certificate.* Upon termination of insurance of any insured institution under this part, the certificate of insurance shall be surrendered to the Corporation for cancellation.

PART 567—AMENDMENT OF RULES AND REGULATIONS; HEARINGS

Sec.
567.1 Amendment of rules and regulations.
567.2 Hearings.

AUTHORITY: §§ 567.1 and 567.2 issued under sec. 402, 48 Stat. 1256, as amended; 12 U. S. C. 1725, Reorg. Plan No. 3 of 1947, 12 F. R. 4931, 3 CFR, 1947 Supp. Interpret or apply secs. 403, 404, 407, 48 Stat. 1257, as amended, 1258, as amended, 1260, as amended; 12 U. S. C. 1726, 1727, 1730.

§ 567.1 *Amendment of rules and regulations.* The rules and regulations in this subchapter, subject to any specific provision contained in this subchapter, may be amended in whole or in part at any time in accordance with the provisions set forth in Subchapter A of this chapter.

§ 567.2 *Hearings.* Any person who has made an application or petition to the Board pursuant to any provision of Parts 562, 563, 564, or 565 of this subchapter may request a hearing thereon: *Provided*, That such application or petition has been denied or disapproved by the Board. At any time after the filing of any such application or petition and before consideration thereof by the Board, any interested person may request a hearing upon such application or petition. The Board may order a hearing in connection with the consideration of any matter arising under any provision of the rules and regulations in this subchapter, and, subject to § 567.1, under Title IV of the National Housing Act, as amended, whether or not any request therefor has been made by any person. The Board may deny any request for, or dispense with any hearing for which this section provides when, in its judgment, no need therefor exists. This section shall not apply to hearings upon action taken by the Corporation to terminate the status of an insured institution as such, under the provisions of section 407 of the National Housing Act, as amended.

PART 568—SERVICE OF PROCESS UPON CORPORATION

§ 568.1 *Agents for service of process.* Persons desiring to serve process upon

the Federal Savings and Loan Insurance Corporation in any jurisdiction may obtain the name and address of the proper agent by communicating with the Secretary of the Federal Home Loan Bank Board, Washington, D. C., or the President of the Federal Home Loan Bank in the district in which such jurisdiction is located. Upon a request for the name of an agent upon whom service of process may be made, the Federal Savings and Loan Insurance Corporation shall promptly designate such an agent in any jurisdiction where there is not at that time such an agent.

(Sec. 402, 48 Stat. 1256, as amended; 12 U. S. C. 1725, Reorg. Plan No. 3 of 1947, 12 F. R. 4931, 3 CFR, 1947 Supp.)

Dated: December 17, 1958.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[P. R. Doc. 58-10558; Filed, Dec. 22, 1958; 8:54 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Office of Minerals Exploration, Department of the Interior

PART 301—REGULATIONS FOR OBTAINING FEDERAL ASSISTANCE IN FINANCING EXPLORATIONS FOR MINERAL RESERVES, EXCLUDING ORGANIC FUELS, IN UNITED STATES, ITS TERRITORIES AND POSSESSIONS

There was published in the FEDERAL REGISTER of September 17, 1958 (23 F. R. 7181), a notice and text of proposed regulations to be codified in Chapter III of Title 30, Code of Federal Regulations, prescribing the manner for obtaining and conditions governing Federal assistance in financing explorations for mineral reserves.

Interested persons were allowed 30 days after publication of the notice to submit written comments, suggestions, or objections with respect to the proposed regulations.

Some objections were received to the requirement in section 4 (b) for furnishing evidence with an application that funds were not available from private sources at reasonable terms. However, as the requirement is a statutory one, it has not been deleted from the regulations.

Several objections were received to the proposal in section 12 to compound interest. The proposal was reconsidered and provision has been made for computing interest as simple interest.

All other comments were fully considered preliminary to adopting the regulations in the present form, as set forth below.

FRED A. SEATON,
Secretary of the Interior.

DECEMBER 17, 1958.

GENERAL PROVISIONS

Sec.
301.1 Purpose.
301.2 Definitions.
301.3 Eligible minerals or mineral products.
301.4 Operator's property rights.

APPLICATIONS

Sec.
301.5 Form and filing.
301.6 Information required.
301.7 Criteria.
301.8 Approval.

EXPLORATION CONTRACTS

301.9 Government participation.
301.10 Allowable costs.
301.11 Repayment by operator.
301.12 Interest on amount of Government participation.
301.13 Limitation on amount of Government participation.
301.14 Government not obligated to buy.
301.15 Title to and disposition of property.

AUTHORITY: §§ 301.1 to 301.15, issued under sec. 2, 72 Stat. 700; 30 U. S. C. 642.

GENERAL PROVISIONS

§ 301.1 *Purpose.* The regulations in this part govern the obtaining of Federal financial assistance in conducting exploration for mineral reserves, excluding organic fuels, in the United States, its territories or possessions.

§ 301.2 *Definitions.* As used in this part:

(a) "Exploration" means the search, including related development work, for new or unexplored mineral deposits within a specified area or parcel of ground where geologic conditions favor their occurrence. Exploration using recognized and sound procedures, including standard geophysical and geochemical methods, may be conducted from the surface or underground to obtain pertinent geological and mineralogical information. The work shall not go beyond a reasonable delineation and sampling of a mineral deposit, and shall not be conducted primarily for mining or preparation for mining.

(b) "Operator" means an individual, partnership, corporation, or other legal entity that is party to an exploration contract with the Government.

(c) "Secretary" means the Secretary of the Interior, or his authorized representative.

(d) "Government" and "Federal" mean the United States of America.

(e) "Commercial sources" means banking institutions.

§ 301.3 *Eligible minerals or mineral products.* The following are eligible for financial assistance:

Antimony.
Asbestos (strategic).
Bauxite.
Beryl.
Cadmium.
Chromite.
Cobalt.
Columbium.
Copper.
Corundum.
Diamond (industrial).
Fluorspar.
Graphite (crucible flake).
Kyanite (strategic).
Lead.
Manganese.
Mercury.
Mica (strategic).
Molybdenum.
Monazite.
Nickel.
Platinum group metals.
Quartz Crystal (piezoelectric).
Rare Earths.

Rutile—Bookite.
Selenium.
Talc (black steatite).
Tantalum.
Thorium.
Tin.
Uranium.
Zinc.

§ 301.4 Operator's property rights. The operator must have and preserve the right to possession of the land (as owner, lessee, or otherwise) for a term at least sufficient to complete the exploration work. (See § 301.11 (f), regarding repayment.) The operator shall devote the land and all existing improvements, facilities, buildings, installations, and appurtenances necessary to the purposes of the exploration.

APPLICATIONS

§ 301.5 Form and filing. An application for Federal financial assistance must be submitted in quadruplicate on forms which may be obtained from and filed with either:

The Office of Minerals Exploration, Department of the Interior, Washington 25, D. C.

or, the Office of Minerals Exploration Executive Officers. The regions which they serve and their Post Office addresses are as follows:

Region I: Idaho, Montana, Oregon, Washington, and Alaska—OME, South 157 Howard Street, Spokane 4, Washington. Applicants for Alaskan projects may file applications with the United States Bureau of Mines, P. O. Box 2688, Juneau, Alaska, for forwarding to the Executive Officer, Region I.

Region II: California and Nevada—OME, 1605 Evans Avenue, Reno, Nevada.

Region III: Arizona, Colorado, Nebraska, New Mexico, North Dakota, South Dakota, Utah, and Wyoming—OME, 224 New Customhouse Building, Denver 2, Colorado.

Region IV: Arkansas, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, and Texas—OME, Room 303, Post Office Building, P. O. Box 431, Joplin, Missouri.

Region V: Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin—OME, Room 2B, Post Office Building, Knoxville 2, Tennessee.

§ 301.6 Information required. (a) Each application shall fully describe the proposed exploration, and shall include all detailed data called for by the application form. The Secretary may require the filing of additional information, including financial statements, reports, maps or charts, and exhibits, and such physical onsite examination as he deems necessary.

(b) The application must contain evidence that funds for the exploration are unavailable on reasonable terms from commercial sources. The evidence shall include information as to the names of banks (including applicant's bank of account) to which applications were made for a loan, the amount and terms requested, and the reasons why the loan was not obtained.

§ 301.7 Criteria. The following factors will be considered and weighed in passing upon applications:

(a) The strategic importance of the mineral involved and the criticalness thereof.

(b) The geologic probability of a significant discovery being made.

(c) The estimated cost of the exploration in relation to the size and grade of the potential deposit.

(d) The plan and method of conducting the exploration.

(e) The accessibility of the project area.

(f) The background and operating experience of the applicant.

§ 301.8 Approval. If the application is approved, the Government may enter into an exploration contract with the applicant upon terms and conditions which the Secretary deems necessary and appropriate as set forth in the contract form furnished by the Government.

EXPLORATION CONTRACTS

§ 301.9 Government participation. The Government will contribute fifty (50) percent of the total allowable costs of the exploration specified by the terms of the contract.

§ 301.10 Allowable costs. (a) The Government, to the extent provided in the exploration contract, will contribute to:

(1) The necessary, reasonable and direct actual costs of performing the exploration, including the costs of: labor, supervision, and consultants; operating materials, supplies and equipment; initial rehabilitation or repair of existing buildings, installations, fixtures, and operating equipment; construction of buildings, fixed improvements, and installations; repairs and maintenance of operating equipment; analytical work, accounting, payroll and sales taxes, and employees' liability insurance; payments by the operator to independent contractors; and such other necessary, reasonable, and direct actual costs as may be approved by the Government in the course of work; and

(2) The fixed unit costs agreed upon by the operator and the Government in terms of units of work to be performed (per foot of drifting, per foot of drilling, etc.) in lieu of actual costs.

(b) The Government will not contribute to costs incurred before the date of the contract, or to costs of or incident to:

(1) Acquiring, using, or possessing land and any existing improvements, facilities, buildings, installations, and appurtenances, or the depreciation and depletion thereof;

(2) General overhead, corporate management, interest and taxes (other than payroll and sales taxes);

(3) Insurance (other than employees' liability insurance); and

(4) Damages to persons or property (other than authorized repair to or replacement of equipment or other property used in the work).

§ 301.11 Repayment by the operator.

(a) If the Secretary considers that, as a result of the exploration, mineral or metal production from the area covered by the contract may be possible, he shall

so certify in writing to the operator within the time specified in the contract.

(b) When the Secretary determines not to certify, he shall promptly so notify the operator provided the operator has completed all obligations under the contract.

(c) The operator shall pay the Government a royalty on all minerals or metals produced from the land described in the contract:

(1) Irrespective of any certification of possible production—from the date of the contract to the date of notice that certification will not be made, or until the total amount contributed by the Government with interest is fully repaid, whichever occurs first; or

(2) Irrespective of any certification of possible production—if the Secretary, deeming it necessary and in the public interest, enters into an agreement to provide for royalty payments.

(3) If a certification of possible production is issued—for a period of ten years (or other period fixed by the contract not exceeding 25 years) from the date of the contract, or until the total amount contributed by the Government, with interest, is fully repaid, whichever occurs first.

(d) The Government's royalty shall be 5 percent of the operator's "gross proceeds" (including any bonuses, premiums, allowances, or other benefits) from the production sold, in the form sold (ore, concentrate, metal, or equivalent) at the point of delivery (the f. o. b. point); except, that charges of the buyer (not the operator) arising in the regular course of his business, and shown on the buyer's settlement sheets as deductions (such as treatment processes performed by the buyer, sampling and assaying to determine the value of the production sold, and freight payable by the buyer to a carrier (not the operator)) shall be allowed as deductions in arriving at the "gross proceeds" as that term is used in this section. No costs of the operator are deductible in arriving at the "gross proceeds" as that term is used in this section. The term "treatment processes", as used in this paragraph means those processes (such as milling, concentrating, smelting, refining, or equivalent) applied to the crude ore or other production after it is extracted from the ground to put it into a commercially marketable form, excluding fabricating or manufacturing.

(e) If any production (ore, concentrate, metal or equivalent) remains unsold or is not used by the operator in integrated manufacturing or fabricating operations (for instance, if it is stockpiled) after the lapse of six months from the date it is extracted from the ground, the Government, at its option, may require the computation and payment of its royalty on the value of such production in the form (ore, concentrate, metal, or equivalent) it is in at the time the Government elects to exercise its option. If any production is used by the operator in integrated manufacturing or fabricating operations, the Government's royalty on such production shall be computed on the "value" thereof in the form in which and at the time when it is used. "Value"

as used in this section means what is or would be gross income from mining operations for percentage depletion purposes in Federal income tax determination, or the market value, whichever is greater.

(f) (1) To secure the payment of the Government's royalty, the contract shall provide for a lien upon the operator's interest in the land, upon any production from the land and upon any interests in the land other than the operator's interest. However, the Secretary may accept the undertaking of a surety company or third person in lieu of a lien upon interests in the land other than the operator's interest. In circumstances where the Secretary deems it to be in the public interest, the requirement for a lien or other undertaking concerning interests in land, other than the lien upon the operator's interest, may be omitted from the contract.

(2) If the operator is not the producer (for example, if the operator transfers or does not retain his interest in production or in the land), the operator shall remain liable for the payment of the Government's royalty.

(g) If, in any particular case, the Secretary finds that it would be more economical or practicable to compute the Government's royalty upon some basis other than "gross proceeds" or "value", as those terms are used in this section, or upon the production in some form other than that in which it is sold, held, or used in integrated operations, he may agree with the operator, either in the original exploration contract or by an amendment thereof, upon some other basis of computation.

(h) Nothing in this part shall be construed as imposing any obligation on the operator to engage in any mining or production operations.

(i) The Secretary may modify and adjust the terms and conditions of any contract to reduce the amount and terms of any royalty payment when he shall determine that such action is necessary and in the public interest.

§ 301.12 *Interest on amount of Government participation.* (a) Simple interest, computed annually, shall accrue from the date Federal funds are made available until the period specified for royalty payment expires or until the amount of Federal funds contributed, including interest, is fully repaid by royalty on production.

(b) The rate of interest shall be fixed by the Secretary at not less than the rate the Department of the Interior would be required to pay if it borrowed from the Treasury, plus a two percent interest charge in lieu of the actual cost to the Government of administering the contract.

(c) Paragraphs (a) and (b) of this section shall not be construed to increase the rate of royalty or to extend the period for which the royalty is payable as set forth in § 301.11.

§ 301.13 *Limitation on the amount of Government participation.* No single contract shall authorize Government participation in excess of \$250,000.

§ 301.14 *Government not obligated to buy.* Nothing in this part or in any contract entered into pursuant to this part shall be construed as imposing any obligation on the Government to purchase any materials mined or produced from the land which is the subject of such contract.

§ 301.15 *Title to and disposition of property.* All facilities, buildings, fixtures, equipment, or other items, or groups of items (such as pipe, rail, steel, etc.), costing more than \$50.00 each, paid for or purchased with funds contributed jointly by the operator and the Government, although title may be taken in the name of the operator, shall belong to the operator and the Government jointly, in proportion to their respective contribution and the exploration contract shall make suitable provisions for their disposal for the joint account of the operator and the Government.

[F. R. Doc. 58-10535; Filed, Dec. 22, 1958; 8:48 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

PART 205—DISPOSITION OF CERTIFICATES OF DEPOSIT

PART 209—SEPARATION OF DEPOSITS OF UNEXPENDED BALANCES FROM ALL OTHER CLASSES OF DEPOSITS

PART 212—PAYMENT THROUGH DEPOSITARY BANKS OF FUNDS WITHHELD AS TAXES IN ACCORDANCE WITH THE PROVISIONS OF THE CURRENT TAX PAYMENT ACT OF 1943

PART 220—PLACING OF PREMIUM RATES ON FIDELITY BONDS

DELETION OF PARTS

Parts 205, 209, 212 and 220 are deleted from Subchapter A, Chapter II, Subtitle B, Title 31 of the Code of Federal Regulations of the United States.

(R. S. 161, as amended; 5 U. S. C. 22)

Dated: December 17, 1958.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F. R. Doc. 58-10529; Filed, Dec. 22, 1958; 8:47 a. m.]

PART 240—OFFERS IN COMPROMISE OF CLAIMS UNDER SECTION 194, TITLE 31, UNITED STATES CODE¹

Part 240, Subchapter A, Chapter II, Subtitle B, Title 31, of the Code of Federal Regulations of the United States (appearing also as Treasury Department

¹ By section 5 of Executive Order No. 6166 of June 10, 1933, jurisdiction under this law, with respect to any case referred to the Department of Justice for prosecution or defense in the courts, was transferred to the Department of Justice.

Circular No. 39, Revised, dated May 25, 1936) is hereby revised effective December 31, 1958 (the revised regulations appearing also as Treasury Department Circular No. 39, Third Revision, dated December 17, 1958), to read as follows:

- Sec.
240.0 General.
240.1 Compromise with General Counsel's recommendation forwarded to Secretary of the Treasury.
240.2 Remittances on account of offers in compromise.
240.3 Deposit of sums offered in compromise.
240.4 Power to withdraw or amend regulations.

AUTHORITY: §§ 240.0 to 240.4 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply R. S. 3469, as amended; 31 U. S. C. 194.

SOURCE: §§ 240.0 to 240.4 contained in Department Circular No. 39, third revision, dated December 17, 1958.

§ 240.0 *General.* The rules and regulations in this part are prescribed in connection with section 194, Title 31, United States Code (R. S. 3469), which provides as follows:

Upon a report by a United States attorney, or any special attorney or agent having charge of any claim in favor of the United States, showing in detail the condition of such claim, and the terms upon which the same may be compromised, and recommending that it be compromised upon the terms so offered, and upon the recommendation of the General Counsel for the Department of the Treasury, the Secretary of the Treasury is authorized to compromise such claim accordingly. But the provisions of this section shall not apply to any claim arising under the postal laws.

§ 240.1 *Compromise with General Counsel's recommendation forwarded to Secretary of the Treasury.* The report of the special attorney or agent having charge of any claim in favor of the United States, which has not been referred to the Department of Justice for prosecution or defense in the courts, in which an offer in compromise is made, except claims arising under the postal laws, must be presented to the General Counsel for the Department of the Treasury, who will forward the report, with his recommendation, to the Secretary of the Treasury for final action.

§ 240.2 *Remittances on account of offers in compromise.* Remittances on account of such offers in compromise will not be accepted unless they are free of all conditions. Remittances in the form of checks, drafts or money orders should be made payable to the order of the Treasurer of the United States. No offer of a specific sum of money in compromise of any claim will be considered under the above statute until such sum shall have been received by the Treasury and credited to Deposit Fund Account "20X6870—Offers in Compromise, Office of the Secretary of the Treasury", and the General Counsel is notified of such credit.

§ 240.3 *Deposit of sums offered in compromise.* Moneys received in Washington, D. C., on account of offers in compromise should be submitted by the attorney or special agent having charge

of the claim along with the related documents to the General Counsel for the Department of the Treasury. Moneys received outside of Washington, D. C., on account of offers in compromise should be deposited with a Federal Reserve bank or branch, or with a bank designated as a general depository for public moneys by the Secretary of the Treasury, under regular procedures by the attorney or special agent having charge of the claim, for credit to the Deposit Fund Account "20X6870—Offers in Compromise, Office of the Secretary of the Treasury". Certificate of Deposit, Standard Form No. 219, should be prepared to show that the deposit is made for account of the Investments Branch, Division of Deposits and Investments, Treasury Department, Washington 25, D. C. At the time of the deposit the related documents, including copy of the Certificate of Deposit, should be forwarded to the General Counsel for the Department of the Treasury. However, if the attorney or agent having charge of the claim elects to deposit the proceeds of the offer in compromise in the Treasury to the credit of a suspense account under the control of his agency, a check drawn on such account payable to the Treasurer of the United States in the amount of the offer in compromise should be forwarded with the related documents to the General Counsel for the Treasury Department. If the offer in compromise is rejected, the money will be returned to the proponent; if accepted, it will be covered into the Treasury.

§ 240.4 *Power to withdraw or amend regulations.* The Secretary of the Treasury may withdraw or amend at any time or from time to time any of the foregoing rules and regulations with or without previous notice, and may make such special orders as he may deem proper in any case.

Dated: December 17, 1958.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F. R. Doc. 58-10530; Filed, Dec. 22, 1958;
8:47 a. m.]

PART 250—PAYMENT ON ACCOUNT OF AWARDS OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

FOREIGN CLAIMS SETTLEMENT COMMISSION

The heading and § 250.1 of Part 250, Subchapter A, Chapter II, Subtitle B, Title 31 of the Code of Federal Regulations of the United States, are revised by substituting the words "Foreign Claims Settlement Commission" for the words "International Claims Commission".

(R. S. 161, as amended; 5 U. S. C. 22)

Dated: December 17, 1958.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F. R. Doc. 58-10531; Filed, Dec. 22, 1958;
8:47 a. m.]

No. 249—7

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

MISCELLANEOUS AMENDMENTS

The Secretary of the Army having determined that the use of the Blakely Mountain Reservoir Area, Ouachita River, Arkansas and the Cherry Creek Reservoir Area, Colorado, by the general public for boating, swimming, bathing, fishing and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations for their public use, pursuant to the provisions of section 209 of the Flood Control Act of 1954 (68 Stat. 1266) and amends the rules and regulations governing the public use of the Hord Creek Reservoir Area, Texas, as follows:

1. Add new paragraphs (qqq) and (rrr) to § 311.1:

§ 311.1 *Areas covered.* . . .
(qqq) Blakely Mountain Reservoir Area (Lake Ouachita), Ouachita River, Arkansas.

(rrr) Cherry Creek Reservoir Area, Cherry Creek, Colorado.

2. In § 311.4, add new subparagraphs (45) and (46) to paragraph (a):

§ 311.4 *Houseboats.* (a) . . .

(45) Cherry Creek Reservoir Area, Cherry Creek, Colorado.

(46) Hord Creek Reservoir Area, Hord Creek, Texas.

[Regs. Dec. 2, 1958, ENGWO] (Sec. 209, 68 Stat. 1266; 16 U. S. C. 460d)

[SEAL] R. V. LEE,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58-10513; Filed, Dec. 22, 1958;
8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS NEWPORT BAY HARBOR, CALIF.

Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), § 202.212 establishing anchorage areas in Newport Bay Harbor, California, is hereby amended by revising paragraph (a) (2) redesignating the boundaries of Temporary Anchorage C-2 and by adding paragraph (a) (3) establishing Anchorage C-3 for recreational and other small craft, as follows:

§ 202.212 *Newport Bay Harbor, Calif.—(a) The anchorage grounds.* . . .

(2) *Temporary Anchorage C-2.* A parallelogram-shaped area, 100 feet wide

and 400 feet long, lying 100 feet bayward from and parallel to the existing pierhead line, and adjoining and on the north side of Anchorage C-3 described in subparagraph (3) of this paragraph.

(i) Vessels may anchor temporarily in Temporary Anchorages C-1 and C-2 when necessary and space permits, but shall move promptly when the necessity passes or upon order of the harbor master.

(ii) Vessels anchoring in Temporary Anchorages C-1 and C-2 shall comply with all applicable Pilot Rules, including that requiring anchor lights at night.

(iii) Floats or buoys for marking anchors or mooring in place and fixed mooring piles or stakes are prohibited.

(3) *Anchorage C-3.* A parallelogram-shaped area, 100 feet wide and 500 feet long, lying 100 feet bayward from and parallel to the existing pierhead line, and adjoining and on the south side of Temporary Anchorage C-2 described in subparagraph (2) of this paragraph.

(i) This area is reserved for recreational and other small craft.

(ii) Fore and aft moorings will be allowed in this area conforming to Orange County Harbor Ordinance No. 490 and other local harbor regulations for recreational and small craft of such size and alignment as permitted by the harbor master.

(iii) All vessels using this area are required to maintain anchor lights from sunset to sunrise.

[Regs., Dec. 10, 1958, 800.212 (Newport Bay Harbor, Calif.)—ENGWO] (Sec. 7, 38 Stat. 1053; 33 U. S. C. 471)

[SEAL] R. V. LEE,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 58-10512; Filed, Dec. 22, 1958;
8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 16—BULK MAILINGS

PART 22—SECOND CLASS

PART 24—THIRD CLASS

MISCELLANEOUS AMENDMENTS

The following amendments shall be effective January 1, 1959, except as otherwise specifically provided therein.

1. In § 16.1 *Second-class publications* make the following changes:

a. Amend subdivision (v) of paragraph (c) (4) to read as follows:

(v) Divide the total advertising units by the total units.

b. In subparagraph (6) of paragraph (f) strike out the words "and the 1 cent for each four ounce rate to Canada (§ 22.1 (d) (1) of this chapter)", which appear in the second sentence thereof.

NOTE: The corresponding Postal Manual sections are 126.154, 126.166.

(R. S. 161, as amended, 396, as amended; 5 U. S. C. 22, 389)

2. In Part 22 make the following changes:

RULES AND REGULATIONS

a. In § 22.1 *Second-class rates* amend paragraph (b) to read as follows:

(b) *Outside the county of publication—(1) All publications, except those accepted at the special rate, or classroom rate.*

	Jan. 1, 1959 (cents per pound or fraction thereof) ¹	Jan. 1, 1960 (cents per pound or fraction thereof) ²	Jan. 1, 1961 (cents per pound or fraction thereof) ³
Nonadvertising portion.....	2.1	2.3	2.5
Advertising portion:			
First and second zones.....	2.2	2.6	3.0
Third zone.....	3.0	3.5	4.0
Fourth zone.....	4.5	5.2	6.0
Fifth zone.....	6.0	7.0	8.0
Sixth zone.....	7.7	8.7	10.0
Seventh zone.....	9.2	11.0	12.0
Eighth zone.....	11.0	12.5	14.0

¹ Minimum 1¢ cent per copy.

² Minimum 1½¢ cent per copy.

³ Minimum 1½¢ cent per copy.

(2) *Special rate publications.* Issued by religious, educational, scientific, philanthropic, agricultural, labor, veterans', or fraternal organizations or associations not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, when specifically authorized by the Department: Reading and advertising portions combined: 1½ cents per pound (minimum ½ cent per copy).

(3) *Classroom publications.* Religious, educational, or scientific publications designed specifically for use in school classroom or in religious instruction classes:

	Cents per pound
Nonadvertising portion.....	1.5
Advertising portion: ¹	
First and second zones.....	1.5
Third zone.....	2
Fourth zone.....	3
Fifth zone.....	4
Sixth zone.....	5
Seventh zone.....	6
Eighth zone.....	7

¹ Minimum 1½¢ cent per copy.

b. In § 22.3 *Applications for second-class privileges* amend subparagraphs (1) and (2) of paragraph (c) to read as follows:

(1) Publishers of newspapers or periodicals of nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans', or fraternal organizations or associations may file applications by letter to the postmaster for the special rate. See § 22.1 (b) (2). They must submit evidence to establish their nonprofit status, and to show that they come within one of the categories stated.

(2) Publishers of religious, educational, or scientific publications designed for use in school classrooms or in religious instruction classes may file applications by letter to the postmaster for the special rates for such publications. See § 22.1 (b) (2). They must also submit evidence showing that their publications are of this character and for the uses stated.

NOTE: The corresponding Postal Manual sections are 132.12, 132.33.

(R. S. 161, as amended, 396, as amended, sec. 2, 65 Stat. 672, as amended; 5 U. S. C. 22, 369; 39 U. S. C. 289a)

3. In Part 24 make the following changes:

a. Amend § 24.1 *Rates* to read as follows:

§ 24.1 Rates.

Kind of mail	Rate	
	SINGLE RATE	
Books and catalogs, having 24 pages or more (at least 22 of which are printed); seeds, cuttings, bulbs, roots, cions, and plants.	3 cents first 2 ounces; 1½ cents each additional ounce or fraction.	
	BULK RATE (see § 24.4 (b))	
	10 cents each pound or fraction; 2 cents minimum charge per piece. (Effective July 1, 1960, the minimum charge per piece will be 2½ cents.)	
	If 5 pieces weigh—	
	1 pound or less pay 2 cents each piece.	
	More than 1 pound pay 10 cents each pound.	
	For authorized nonprofit organizations	
	10 cents each pound or fraction; 1 cent minimum charge per piece. (Effective July 1, 1960, the minimum charge per piece will be 1¼ cents.)	
	If 10 pieces weigh—	
	1 pound or less, pay 1 cent each piece.	
	More than 1 pound pay 10 cents each pound.	
	SINGLE RATE	
Circulars and other printed matter, merchandise.	3 cents first 2 ounces; 1½ cents each additional ounce or fraction of an ounce.	
	BULK RATE (see § 24.4 (b))	
	16 cents each pound or fraction; 2 cents minimum charge per piece. (Effective July 1, 1960, minimum charge per piece will be 2½ cents.)	
	If 8 pieces weigh—	
	1 pound or less, pay 2 cents each piece.	
	More than 1 pound, pay 16 cents each pound.	
	For authorized nonprofit organizations	
	16 cents each pound or fraction; 1 cent minimum charge per piece. (Effective July 1, 1960, the minimum charge per piece will be 1¼ cents.)	
	If 16 pieces weigh—	
	1 pound or less, pay 1 cent each piece.	
	More than 1 pound, pay 16 cents each pound.	
	Rate	
Any article of odd size or form.	3 cents minimum per piece (applicable only when regular charge does not exceed 3 cents). (Effective May 1, 1959, the minimum charge per piece will be 6 cents.)	
Keys and identification devices (mailed without cover under conditions in § 24.2 (a) (3)).	5 cents each 2 ounces.	
Transient copies of Congressional Record mailed at Washington, D. C.	1 cent per copy (unsealed)	

b. In § 24.2 *Classification* subparagraph (3) of paragraph (b), as amended, effective July 1, 1959, by Federal Register Document 54-4729, 22 F. R. 4053, is further amended to read as follows, effective July 1, 1959:

(3) The minimum charge for pieces of odd size or form applies to articles mailed singly or in bulk when:

(i) The address side exceeds 9 inches in width or 12 inches in length.

(ii) The address side of articles other than envelopes or cards is less than 2¾ inches in width or 4 inches in length. See § 24.3 (b) for minimum size for envelopes and cards.

(iii) They are not rectangular.

(iv) Their contents cause a hump or other uneven surface which prevents stacking or tying in packages.

(v) They are enclosed in bags.

(vi) They are addressed by means of tags.

c. In § 24.3 *Weight and size limitations* paragraph (b), as amended, effective July 1, 1959, by Federal Register Document 57-4729, 22 F. R. 4053, and by Federal Register Document 58-8131, 23 F. R. 7671, is further amended to read as follows, effective July 1, 1959:

(b) *Size.* Envelopes and cards which measure less than 2¾ by 4 inches in either dimension are nonmailable. There are no other size restrictions.

d. In § 24.4 *Payment of postage and markings required* amend paragraphs (a) and (b) to read as follows:

(a) *Single-piece mailings.* Mailers of third-class mail at other than bulk rates may: (1) Use any method of paying postage; and (2) mail any number of pieces at one time, unless permit imprints are used. See § 34.5 of this chapter.

(b) *Bulk mailings.* Third-class matter mailed at bulk rates may not be reg-

istered or insured, and it may not be sent COD or as certified mail. Instructions for mailing are contained in § 16.2 of this chapter. The following fees, permits, and markings are required:

(1) *Annual fee.* A fee of \$20 must be paid each calendar year. Lettershops must pay the \$20 fee for each customer for whom mailings are made, unless each customer pays it. This fee is separate from the \$10 fee that must be paid for a permit to mail under the permit imprint system. See § 34.1 (a) of this chapter.

(2) *Postage permits required.* Postage must be prepaid by:

(i) Meter stamps. See Part 33 of this chapter.

(ii) Precanceled stamps or precanceled stamped envelopes. See Part 32 of this chapter.

(iii) Permit imprints (cash). See Part 34 of this chapter.

(3) *Markings required.* Identifying words as follows must be printed either in or immediately adjacent to permit imprints, meter stamps, or precanceled stamps:

(i) Bulk rate or the abbreviation "Blk. Rt." by mailers other than nonprofit organizations.

(ii) Nonprofit Organization or the abbreviation "Nonprofit Org." by authorized nonprofit organizations which mail at the 50 percent reduction in the minimum per piece charge.

NOTE: The corresponding Postal Manual sections are 134.1, 134.22, 134.32, 134.41, 134.42.

(R. S. 161, as amended, 396, as amended, sec. 3, 65 Stat. 673, as amended; 5 U. S. C. 22, 369; 39 U. S. C. 290a-1)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F. R. Doc. 58-10523; Filed, Dec. 22, 1958;
8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 40]

MANUFACTURERS AND RETAILERS EXCISE TAXES

NOTICE OF HEARING ON PROPOSED REGULATIONS

Proposed regulations under sections 4141, 4142, 4151 and 4152 of the Internal Revenue Code of 1954, relating to excise tax on radio and television sets, phonographs, phonograph records and musical instruments, and under section 4220 of the 1954 Code relating to exemption from excise tax for articles sold for use in further manufacture, were published in the issue of the FEDERAL REGISTER for Friday, October 10, 1958. In response to these notices of proposed rule making, one or more interested parties have submitted comments and suggestions pertaining to these proposed regulations, and have requested an opportunity to comment orally at a public hearing on these proposed regulations.

Notice is hereby given that a public hearing on these proposed regulations will be held on Thursday, January 8, 1959, at 10:00 a. m., e. s. t., in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D. C. All interested persons who plan to attend the hearing are requested to so notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., at least three days prior to the date fixed for the hearing.

[SEAL] MAURICE LEWIS,
Director,
Technical Planning Division,
Internal Revenue Service.

[F. R. Doc. 58-10516; Filed, Dec. 22, 1958;
8:45 a. m.]

[26 CFR (1954) Part 40]

MANUFACTURERS AND RETAILERS EXCISE TAXES

NOTICE OF HEARING ON PROPOSED REGULATIONS

Proposed regulations under sections 4061, 4062 and 4063 of the Internal Revenue

Code of 1954, relating to excise tax on motor vehicles were published in the issue of the FEDERAL REGISTER for Saturday, November 8, 1958. In response to this notice of proposed rule making, one or more interested parties have submitted comments and suggestions pertaining to the proposed regulations, and have requested an opportunity to comment orally at a public hearing on the proposed regulations.

Notice is hereby given that a public hearing on the proposed regulations will be held on Wednesday, January 7, 1959, at 10:00 a. m., e. s. t., in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D. C. All interested persons who plan to attend the hearing are requested to so notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., at least three days prior to the date fixed for the hearing.

[SEAL] MAURICE LEWIS,
Director,
Technical Planning Division,
Internal Revenue Service.

[F. R. Doc. 58-10517; Filed, Dec. 22, 1958;
8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 925, 1008]

[Docket Nos. AO-275-A4, AO-226-A5]

MILK IN INLAND EMPIRE AND PUGET SOUND, WASHINGTON, MARKETING AREAS

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Seattle, Washington, on September 30, 1958, pursuant to notice thereof issued on September 11, 1958 (23 F. R. 7136).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agri-

cultural Marketing Service, on November 13, 1958 (23 F. R. 8989) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

(1) Revision of the provisions of each order relating to the computation of value of milk, as such provisions apply to Class I milk distributed from a Puget Sound regulated plant to outlets in the Inland Empire marketing area.

(2) Modification of the supply-demand adjuster to the Class I price in the Inland Empire marketing area.

(3) Revision of the Inland Empire order to remove the seasonal limitation on the disposal of skim milk for livestock feed as Class II milk.

(4) Modification of the delivery performance requirements for pool status under the Inland Empire order.

(5) The need for emergency action justifying omission of a recommended decision.

In view of the conclusions reached herein, no amendments to the Puget Sound, Washington, order are adopted on this record.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) The respective orders should not be revised to accommodate payments into the producer-settlement fund of the Inland Empire order of certain monies accruing from the distribution of fluid milk in the present Inland Empire marketing area from a plant subject to the Puget Sound order.

A grocery chain operating retail stores in both the Puget Sound and Inland Empire marketing areas has announced its intention to begin supplying milk to stores in the Inland Empire market from its fluid milk processing plant located at Bellevue, Washington, in District No. 1 of the Puget Sound marketing area. Such milk would be packaged under the brand name used by the grocery chain. Heretofore, all milk distributed through such company's stores in the Inland Empire market has been processed by other Inland Empire handlers and sold

from the stores under the individual brand names of such handlers. For some time in the future, at least, the grocery chain would continue to display not less than one brand in addition to its own at the stores in the Inland Empire market. With no change in order provisions the expected result of this change in company policy is a loss of market for a portion of the Inland Empire producer milk supply and a corresponding gain in Class I sales for Puget Sound producers, who furnish the milk supply for the company's processing plant at Bellevue.

Because of these circumstances producer organizations in the Inland Empire market propose that "credits" to handlers under § 1008.70 (a) (7) be broadened to apply to milk transferred from a Puget Sound order plant on routes or to stores in the Inland Empire market. Under the proposal such credits would not apply at any time the Puget Sound market is short of a full supply to cover its own needs. The purpose of the proposal is to mitigate the impact on the returns to Inland Empire producers of the loss of sales expected.

This proposal was supported in its major aspects by the principal producer organizations in the Puget Sound market through a proposal to effect necessary correlating amendments to the Puget Sound order. As the result of the respective proposals, producers in the Inland Empire market would receive the Inland Empire order Class I price computed for the location of the bottling plant in the Puget Sound marketing area with respect to Class I milk distributed, as indicated above, from a Puget Sound bottling plant on routes or through store outlets in the present Inland Empire market, and the difference between such zone location Class I price and the Class I price under the Puget Sound order would be paid to Puget Sound producers. It was estimated by proponents that the Puget Sound producers of the milk so distributed would net approximately 60 cents per hundredweight more than the Puget Sound Class II price with respect to such milk as compared with the \$1.65 differential over the Class II price received on other Class I milk distributed from plants in District No. 1 of the marketing area.

The immediate volume of milk to be involved in the contemplated movements from the Puget Sound market to store outlets in the Inland Empire market is estimated at 4,100 gallons or 35,260 pounds per week. Other things equal, the immediate impact on the Inland Empire uniform price from loss of this volume would amount to 2.5 cents per hundredweight (not including the effect resulting from a necessary change in the supply-demand adjustment). The proposal, as made by producer groups, allows, however, for a location adjustment to the Bellevue, Washington, plant location. Such location adjustment was calculated, on the basis of the above volume, at 0.8 of a cent on the Inland Empire uniform price. The net reduction in the Inland Empire uniform price, after consideration of this adjustment, would be 1.7 cents per hundredweight.

Proponents do not contend that the Puget Sound plant operator has a price advantage in the distribution of milk in the Inland Empire market. In fact, they stated that the relationship of current order prices in the two markets is such that transportation costs for the distance between the markets probably would prohibit effectively the establishment of routes by Puget Sound handlers in the Inland Empire market on a competitive basis, since the location Class I price under the Inland Empire order, i. e., f. o. b. Bellevue, Washington, is less than the Puget Sound Class I price at that point.

The Inland Empire order, as in the case of other orders of this type, affords price protection to producers for the milk they deliver to handlers. The order does not guarantee, however, any producer, or group of producers, of a market outlet for milk or a particular level of Class I sales. Given price protection at a reasonable level, nearby producers must compete for market outlets with other milk fairly priced. Under its compensatory payment provisions the Inland Empire order prevents milk completely unregulated and unpriced to take price advantage of producer milk in the regulated market. The pricing of milk by the Puget Sound order similarly protects the Inland Empire producer from price disadvantage in relation to that market.

Class and weighted average uniform prices to producers under the Inland Empire order have varied from month to month since the order has been in effect (by as much as 29 cents per hundredweight from one month to the next) and will continue to do so. The delivery of 2 percent more milk by producers would have as great an impact on the uniform price as the decrease in sales anticipated from the importation of Puget Sound milk. Changes in the supply-Class I sales relationship is affected by many factors, some of which may be fully as important in determining the ultimate level of producer returns as the loss of the sales outlet complained of in this proceeding. For example, the gain or loss of an institutional contract for Class I milk by a regulated handler could have as significant an effect on the uniform price, and the gain or loss of sales involved could be equally permanent.

At the present time Class I milk sales are increasing in relation to supplies in the Inland Empire market as evidenced by recent plus supply-demand adjustments (of 20 cents in October and 10 cents in November) to the Class I price, official notice of which is taken. A plus adjustment reflects a supply level for the month less than that determined as needed to fulfill all market requirements for Grade A milk. Thus, the severity of the problem presented is minimized by recent events.

In view of the above considerations, it is concluded that proposals Nos. 1 and 5 set forth in the notice of hearing should not be adopted.

Proponents further testified that if such proposals were not adopted, it would be necessary to move producer

milk from the Inland Empire market to the Bellevue plant in the Puget Sound market for processing, such milk to be returned by the grocery company to the Inland Empire marketing area in bottled form for sale in its stores there. The grocery chain representative indicated the willingness of his company to cooperate with Inland Empire producers to this end, if necessary. Milk so moved would travel approximately 300 miles from farm to processing plant and an equal distance from processing plant to point of sale in bottled form. On the other hand, by utilizing milk produced in the Puget Sound milkshed for this purpose some farm to plant transportation expense on milk could be avoided.

Amendment of the Puget Sound order to accommodate movements of producers' milk from the Inland Empire market for processing in a Puget Sound plant, without inclusion of such milk in the Puget Sound pool, could be construed as intending to encourage such movements. Such practice, which undoubtedly would be a costly arrangement to both the Inland Empire producers and the Puget Sound handler involved, would place such producers and handler in an adverse position relative to other producers and handlers, respectively, in the Inland Empire market, and the record does not reveal how such an arrangement could be expected to solve the problem over the long term.

(2) The Inland Empire order should not be revised to provide for inclusion of Class I sales in the marketing area by nonpool plants in the computation of the supply-demand adjuster to the Class I price.

The Inland Empire order provides that when the supply-demand ratio (as computed from receipts and Class I sales of the second and third preceding months) varies from the standard utilization factor, the Class I price shall be increased or decreased, as the case may be, five cents per hundredweight for each full percentage point of such variation, with the limitation that the Class I price shall not be increased or decreased more than 50 cents per hundredweight for any month because of the supply-demand adjuster.

Producers from the Inland Empire marketing area proposed that provision be made to include Class I sales made in the marketing area from nonpool plants in computation of the supply-demand ratio, in order to reduce the impact on producer prices resulting from the loss of Class I sales anticipated if the grocery chain, as referred to above, carries out its announced intention to procure milk from its Puget Sound pool plant. In support of their proposal Inland Empire producers stated that the greatest impact on producer returns resulting from effectuation of the announced change in procurement policy would be brought about through the operation of the supply-demand adjuster, by suddenly reducing the Class I price for all Class I milk to a level below that warranted by the loss of the store sales involved and without providing opportunity for producers to make an adjustment to the new

conditions so as to maintain producer returns at a satisfactory level.

The primary purpose of the supply-demand adjuster is to equate as nearly as practicable market supply and demand of Grade A milk. To relate regular Class I sales made from another major market to producer supplies in this market in determining the Class I price would tend to create supplies for which no market for local producers exists, and thus increase their surplus disposal problem.

If the grocery chain initiates its announced procurement program, the Class I price under the Inland Empire order may be lowered somewhat as a result of the supply-demand adjuster. It is not possible at this time to appraise with any certainty the effect that the contemplated change will have on the Inland Empire situation. Neither is it possible to appraise the extent to which handlers may find additional outlets for Class I milk in the near future or the extent to which production will change in relation to demand. As previously pointed out, local production is relatively low in relation to Class I sales at this time. Even if the change in procurement policy is adopted, it would not, at the outset at least, put production seriously out of balance with the remainder of Class I sales in the market. In view of these circumstances, it is concluded that no action should be taken to revise the supply-demand formula at this time.

Should a greater change than that anticipated occur and the need arise to assist producers in making appropriate adjustment to the new condition in order that stable and orderly marketing may be maintained, measures to deal with such an occurrence could be considered at that time.

(3) The conditions under which skim milk disposed of for livestock feed may be classified as Class II milk should be revised.

At the last hearing on order amendments, producer organizations supported the year-round classification as Class II milk of skim milk dumped on the basis that price hardship could be imposed on handlers with relatively small volumes of excess milk at any given time. It is not economically feasible in this market to move small quantities of skim milk the distances required to effect disposition to a nonpool plant for manufacturing purposes.

At the present time, skim milk disposed of for livestock feed may be classified as Class II milk only if so disposed of during April, May, June or July. Producers contend that skim milk for livestock feed should be treated on the same classification basis as skim milk dumped and so intended by their testimony at the prior hearing. The record of such hearing, however, did not disclose the application of such testimony to the matter now under consideration. Producers now clarify their case and point also to the probability that additional volumes of skim milk will be available for surplus disposal because of the contemplated loss of Class I sales to milk imported from the Puget Sound marketing area previously discussed in this decision.

It is concluded that adoption of the proposal, which would provide for the inclusion of skim milk for livestock feed in Class II milk each month of the year, will assist in the orderly marketing of reserve supplies of milk.

(4) The delivery performance standards applicable to distributing plants for pool plant status should be modified.

The order was amended on October 1, 1957, to provide certain delivery performance standards for plants to qualify for pool status. In this connection it was concluded that, to qualify as a pool plant, a distributing plant should be required to have distribution on routes in the marketing area to the extent of 20 percent or more of its monthly receipts of Grade A milk from dairy farmers and other plants. In addition, such a plant must have at least 50 percent of its Class I milk distributed on routes either inside or outside the marketing area. Official notice is taken of the supporting reasons for such provisions as set forth in the decision of the Assistant Secretary issued September 10, 1957 (22 F. R. 7326).

A producer organization now proposes that the 50 percent requirement on Class I milk disposition for a distributing plant be reduced to 40 percent of such disposition in any month. As an alternative, the proposal would reduce the percentage requirement in this manner during the months of seasonally large milk deliveries by producers. Proponent states that the 40 percent minimum requirement would be more appropriate in the future in view of seasonal production changes on the part of regular producers and the probability of shipments to the market from the Puget Sound area for Class I use, as previously discussed.

At one time when supplies were seasonally large, certain of the handlers imposed a quota system on their producers and restricted dairy farm receipts of milk. This was done in order to avoid falling below the 50 percent requirement, and thus having their plants eliminated from the pool. Undue hardship on both the producers and handler involved could result from repetition of such occurrence. On the other hand, the requirement should not be so lax as to induce unnecessary quantities of milk for the purpose of diluting the pool.

In view of past temporary restrictions placed on producer deliveries, and the adjustments which will have to be made by producers and their organizations to meet the new circumstance of packaged milk receipts from the Puget Sound area to be sold in competition with locally-produced milk, it is concluded that the performance requirements for distributing plants should be relaxed in part. A reduction for the period February through August, inclusive, in the Class I disposition requirement to 40 percent of the distributing plant's receipts of Grade A milk from producers in lieu of 50 percent of such plant's total receipts of Grade A milk will accomplish the desired objective and yet not cause undue dilution of the pool by attracting supplies not normally associated with the market. Omission of receipts from other plants in the percentage calculation will facilitate the interplant movement of milk

when necessary for its disposition in Class II uses. It is so provided.

(5) The need for emergency action does not justify omission of the recommended decision in this proceeding.

The notice of hearing stated that consideration would be given to the question of whether economic and marketing conditions require emergency action with respect to any or all the amendments deemed necessary as the result of the hearing. Action under the promulgation procedure described above was requested at the hearing and no opposition was registered to the use of such emergency procedure. However, in view of the conclusions reached with respect to the principal proposals considered at the hearing and the nonemergency nature of the other proposals, it is determined that emergency promulgation procedure should not be adopted.

Rulings on proposed findings and conclusions. A brief and proposed findings and conclusions were filed on behalf of certain interested parties in the market. The brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions is denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the Inland Empire order (No. 108), and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision,

each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Inland Empire Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Inland Empire Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

No marketing agreement or order amendment relating to the Puget Sound, Washington, Order No. 25 is annexed hereto since it has been determined in the decision that no change should be made in such regulation as the result of this hearing.

It is hereby ordered. That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said Inland Empire marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of October 1958 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Inland Empire marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be

amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D. C., this 18th day of December 1958.

[SEAL]

TRUE D. MORSE,
Acting Secretary.

Order¹ Amending the Order Regulating the Handling of Milk in the Inland Empire Marketing Area

§ 1008.0 Findings and determinations. The findings and determinations herein-after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) **Findings upon the basis of the hearing record.** Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Inland Empire marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Inland Empire marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete the proviso in § 1008.8 (a) and substitute therefor the following: "Provided, That the total quantity of Class I milk disposed of from such plant during the month either inside or outside the marketing area on routes is not less than 40 percent of such plant's receipts of milk from producers in any of the months of February through August, inclusive, and not less than 50 percent of such plant's receipts of milk from producers in any of the months of September through January, inclusive; or"

2. Delete from § 1008.41 (b) (2) the words "during the months of April, May, June or July."

[F. R. Doc. 58-10538; Filed, Dec. 22, 1958; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

HAIR OF CERTAIN ANIMALS, COTTON AND SILK WASTE AND CARPET WOOL IMPORTATION FROM COUNTRIES NOT IN AUTHORIZED TRADE TERRITORY

APPLICATIONS FOR LICENSES

Notice is hereby given that the Treasury Department is now prepared to consider applications for licenses under the Foreign Assets Control Regulations (31 CFR 500.101 to 500.808) for the importation during 1959 of limited quantities of the following commodities from countries (other than Communist China and North Korea) not in the authorized trade territory:

Badger hair.
Camel hair.
Carpet wool.
Cotton waste.
Goat hair.

Horse mane hair, horse tail hair and other horse hair.

Silk waste.
Yak hair.

Applications must be filed on or before January 5, 1959.

Any person interested in importing any of the above-named commodities from a country (other than Communist China and North Korea) not in the authorized trade territory may obtain additional information and license application forms from the Foreign Assets Control, Treasury Department, Washington 25, D. C.

Attention is directed to the fact that the term "authorized trade territory" is defined in § 500.322 of the Foreign Assets Control Regulations and that the term "countries (other than Communist China and North Korea) not in the authorized trade territory" as used herein includes

¹This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Albania, Bulgaria, Czechoslovakia, the Eastern Zone of Germany, the Eastern Sector of Berlin, Estonia, Hungary, Latvia, Lithuania, Outer Mongolia, Poland, Rumania, the Union of Soviet Socialist Republics, and Viet-Nam (only those areas under Communist control).

[SEAL]

ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 58-10609; Filed, Dec. 22, 1958; 8:54 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

TRADE ROUTE No. 6; U. S. NORTH ATLANTIC/SCANDINAVIA AND BALTIC

NOTICE OF ADOPTION OF CONCLUSIONS AND DETERMINATIONS REGARDING ESSENTIALITY AND UNITED STATES FLAG SERVICE REQUIREMENTS

Notice is hereby given that the Maritime Administrator has adopted as final,

his tentative conclusions and determinations regarding the essentiality and United States flag service requirements of Trade Route No. 6, as published in the FEDERAL REGISTER issue of October 24, 1958 (23 F. R. 8213).

Dated: December 18, 1958.

By order of the Maritime Administrator.

[SEAL]

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-10536; Filed, Dec. 22, 1958;
8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 10067]

DOMESTIC CARGO-MAIL SERVICES NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled investigation (see Order No. E-13272) is assigned to be held on January 8, 1959, at 10:00 a. m., e. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C., December 17, 1958.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-10541; Filed, Dec. 22, 1958;
8:49 a. m.]

[Docket No. 9528]

NATIONAL AIRLINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of contest activities of National Airlines, Inc., enforcement proceeding.

Notice is hereby given that the hearing in the above-entitled matter is postponed until January 12, 1959 at 10 a. m., e. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington 25, D. C., before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C., December 17, 1958.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 58-10542; Filed, Dec. 22, 1958;
8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9398 etc.; FCC 58M-1453]

GRALLA AND GRALLA ET AL

ORDER CONTINUING HEARING

In re applications of Isador Gralla and Jay Gralla, d/b as Gralla and Gralla, Tujunga, California, Docket No. 9398, File No. BP-6763; Cannon System, Ltd. (KIEV), Glendale, California, Docket No. 9401, File No. BP-7260; South Coast Broadcasting Co., Laguna Beach, Cal-

ifornia, Docket No. 12640, File No. BP-9912; Robert D. Lamb and Charles R. Dooley, d/b as Southland Communications Co., Anaheim, California, Docket No. 12641, File No. BP-10725; J. J. Flanagan, Fontana, California, Docket No. 12642, File No. BP-10967; Gordon A. Rogers, Colton, California, Docket No. 12643, File No. BP-11209; San Luis Rey Broadcasting Company, Inc., Newport Beach, California, Docket No. 12644, File No. BP-11729; Donald C. McBain, Howard G. Hoegsted, George W. Irwin and Arthur B. Balinger, d/b as Upland Broadcasting Company, Upland, California, Docket No. 12645, File No. BP-11942; Robert Burdette & Associates, Inc., West Covina, California, Docket No. 12689, File No. BP-12471; for construction permits.

The hearing in the above-entitled matter is now scheduled for December 19, 1958; and

It appearing that the Examiner's schedule will not accommodate hearing on that date:

It is ordered, This 17th day of December 1958, that hearing is continued; that a pre-hearing conference will be held at 10:00 a. m., January 6, 1959; and that at that conference hearing date will be established.

Released: December 17, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-10543; Filed, Dec. 22, 1958;
8:49 a. m.]

[Docket No. 11314; FCC 58M-1441]

SPARTAN RADIOCASTING CO. (WSPA-TV)

ORDER SCHEDULING HEARING CONFERENCE

In re application of The Spartan Radiocasting Company (WSPA-TV), Spartanburg, South Carolina, Docket No. 11314, File No. BMPCT-2042; for modification of construction permit.

It is ordered, This 15th day of December 1958, on the Examiner's own motion, that a hearing conference in the above-entitled proceeding will be held in the Offices of the Commission, Washington, D. C., commencing at 10:00 a. m., Monday, December 29, 1958.

Released: December 16, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-10544; Filed, Dec. 22, 1958;
8:49 a. m.]

[Docket No. 11757; FCC 58M-1458]

EVANSVILLE TELEVISION, INC.

ORDER CONTINUING HEARING

In the matters of amendment of § 3.606 Table of assignments, Television Broadcast Stations (Evansville, Indiana, and Louisville, Kentucky) and order directing Evansville Television, Inc., to show cause why its authorization for Station

WTVW, Evansville, Indiana, should not be modified to specify operation on Channel 31 in lieu of Channel 7; Docket No. 11757.

Upon verbal request of all counsel: It is ordered, This 17th day of December 1958, that the hearing now scheduled to commence December 19, 1958, is hereby rescheduled to January 8, 1959, at 10:00 a. m. in the Commission's offices, Washington, D. C.

Released: December 18, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-10545; Filed, Dec. 22, 1958;
8:49 a. m.]

[Docket No. 12024 etc.; FCC 58M-1442]

RUSSELL G. SALTER, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Russell G. Salter, Inc., Dixon, Illinois, Docket No. 12024, File No. BP-10858; David M. Taylor tr/as Dixon Broadcasting Co., Dixon, Illinois, Docket No. 12652, File No. BP-11298; WRAC, Inc. (WRAC), Racine, Wisconsin, Docket No. 12653, File No. BP-11946; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding and the agreements reached herein by the parties at the prehearing conference held on December 12, 1958:

It is ordered, This 15th day of December 1958 that a further prehearing conference shall be held on the 19th day of January 1959 and that the hearing herein presently scheduled to commence on January 9, 1959, is continued to a date to be determined at the further prehearing conference.

Released: December 16, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-10546; Filed, Dec. 22, 1958;
8:49 a. m.]

[Docket No. 12203 etc.; FCC 58M-1449]

HALL BROADCASTING CO., INC.

ORDER SCHEDULING HEARING

In re application of Hall Broadcasting Company, Inc., Los Angeles, California, Docket No. 12203, File No. BPH-2175; for construction permit FM Channel 274 (102.7 Mc).

The Hearing Examiner has under consideration a motion filed December 8, 1958, on behalf of Hall Broadcasting Company, Inc. requesting that the further evidentiary hearing in the above-entitled proceeding be scheduled to begin on January 22, 1959, and that the evidence to be received be submitted in writing.

The matter to be resolved at the further hearing relates to the terms and conditions of an agreement entered into by Hall Broadcasting Company, Inc. and

Richard C. Simonton on February 28, 1958, pursuant to which Richard C. Simonton was granted certain rights or privileges under such contract.

There is no objection on the part of the Chief, Broadcast Bureau to granting the motion to specify a date for the further hearing or in so far as it requests that the affirmative evidence be submitted in written form. The Broadcast Bureau, in the absence of an opportunity to examine the written showing, does not at this time waive the right to request the presence of one or more witnesses to testify in support of the written case or to be available for cross-examination.

It is ordered, This the 16th day of December 1958, that the above-entitled motion is granted to the extent shown herein: The written affirmative showing by the applicant and Richard C. Simonton will be exchanged by the parties on or before January 22, 1959, and the evidentiary hearing will be held on Monday, February 2, 1959, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C.

Released: December 17, 1958.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] MARY JANE MORRIS,

Secretary.

[F. R. Doc. 58-10547; Filed, Dec. 22, 1958; 8:49 a. m.]

[Docket No. 12344 etc.; FCC 58M-1444]

L. E. U. BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of L. E. U. Broadcasting Co., Erie, Pennsylvania, Docket No. 12344, File No. BPCT-2362; The Jet Broadcasting Company, Inc., Erie, Pennsylvania, Docket No. 12345, File No. BPCT-2388; WERC Broadcasting Corporation, Erie, Pennsylvania, Docket No. 12346, File No. BPCT-2402; for construction permits for new television broadcast stations.

It is ordered, This 15th day of December 1958, on the Hearing Examiner's own motion, that the further hearing conference now scheduled for December 22, 1958, is continued to January 12, 1959, at 10:00 a. m.

Released: December 16, 1958.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] MARY JANE MORRIS,

Secretary.

[F. R. Doc. 58-10548; Filed, Dec. 22, 1958; 8:49 a. m.]

[Docket No. 12562; FCC 58M-1454]

INTERCONTINENTAL BROADCASTING CORP.

ORDER CONTINUING HEARING

In the matter of assignment of call letters KOFY to Intercontinental Broadcasting Corp. for its standard broadcast station at San Mateo, California; Docket No. 12562.

By agreement of the parties: *It is ordered*, This 16th day of December 1958,

that the hearing in the above-entitled proceeding presently scheduled for 9:00 a. m., December 18, 1958, is hereby continued to 9:00 a. m., January 14, 1959.

Released: December 17, 1958.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] MARY JANE MORRIS,

Secretary.

[F. R. Doc. 58-10549; Filed, Dec. 22, 1958; 8:49 a. m.]

[Docket Nos. 12605, 12606; FCC 58M-1450]

WABASH VALLEY BROADCASTING CORP. AND LIVESAY BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re applications of Wabash Valley Broadcasting Corporation (WTHI-TV), Terre Haute, Indiana, Docket No. 12605, File No. BRCT-193; for renewal of license; Livesay Broadcasting Co., Inc., Terre Haute, Indiana, Docket No. 12606, File No. BPCT-2514; for construction permit for New Television Broadcast Station (Channel 10).

Because of the pendency of various pleadings: *It is ordered*, This 16th day of December 1958, that the hearing now scheduled for December 22, 1958, is further continued to Tuesday, January 20, 1959, at 10 a. m., in the offices of the Commission, Washington, D. C.

Released: December 17, 1958.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] MARY JANE MORRIS,

Secretary.

[F. R. Doc. 58-10550; Filed, Dec. 22, 1958; 8:50 a. m.]

[Docket No. 12646; FCC 58M-1447]

SUPREME BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re application of Supreme Broadcasting Company, Inc., (KK2XFW) Channel 12, New Orleans, Louisiana, Docket No. 12646, File No. BMPEX-49; for modification of construction permit (BPEX-144) for an experimental television broadcast station.

Upon oral request of counsel for Supreme Broadcasting Company in the above-entitled matter, and with the consent of the Commission's Broadcast Bureau and Capitol Broadcasting Company,

It is ordered, This 16th day of December 1958, that the hearing in the above-entitled matter presently scheduled for December 19, 1958, is rescheduled to commence at 10:00 a. m., December 22, 1958, in the Commission's offices in Washington, D. C.

Released: December 16, 1958.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] MARY JANE MORRIS,

Secretary.

[F. R. Doc. 58-10551; Filed, Dec. 22, 1958; 8:50 a. m.]

[Docket Nos. 12650, 12651; FCC 58M-1459]

OROVILLE BROADCASTERS (KMOR) AND JAMES E. WALLEY

ORDER CONTINUING HEARING

In re applications of Oroville Broadcasters (KMOR), Oroville, California, Docket No. 12650, File No. BR-1926; for renewal of license; James E. Walley, Oroville, California, Docket No. 12651, File No. BP-11655; for construction permit for new standard broadcast station.

The Hearing Examiner having under consideration a petition filed on December 12, 1958, by the Broadcast Bureau, requesting that the time for filing pleadings in response to "Petition to Dismiss Application" and "Petition to Modify Issues" filed on December 1, 1958, by James E. Walley, applicant in the above-entitled proceeding, be extended from December 15, 1958, to 10 days from the date when the Commission may act upon a petition which will be filed shortly by the Broadcast Bureau, requesting that the application of Oroville Broadcasters be dismissed;

It appearing from the petition that counsel for James E. Walley has informally agreed to a waiver of the provisions of § 1.43 and has no objection to a grant of the requested extension;

It further appearing that the action upon the pending petition to dismiss the application of Oroville Broadcasters may have a substantial effect upon the issues in the evidentiary hearing;

It is ordered, This 16th day of December 1958, pursuant to sections 0.231 and 1.41 of the Commission's rules, that the aforesaid petition is granted, and the time for filing replies is extended from December 15, 1958, to 10 days from the date when the Commission may act upon the Broadcast Bureau's petition to dismiss the application of James E. Walley.

It is further ordered, That the hearing in the above-styled proceeding now scheduled for January 7, 1959, be and the same is hereby continued to a date to be fixed by an order to be issued subsequent to the date of action on the above-mentioned petitions to dismiss.

Released: December 18, 1958.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] MARY JANE MORRIS,

Secretary.

[F. R. Doc. 58-10552; Filed, Dec. 22, 1958; 8:50 a. m.]

[Docket No. 12665, etc., FCC 58M-1443]

GERICO INVESTMENT CO. (WITV)

ORDER CONTINUING HEARING

In re applications of Gerico Investment Company (WITV), Miami, Florida, Docket No. 12665, File No. BPCT-2374; Public Television Corporation, Perrine, Florida, Docket No. 12666, File No. BPCT-2393; South Florida Amusement Co., Inc., Perrine, Florida, Docket No. 12667, File No. BPCT-2410; Coral Television Corporation, South Miami, Florida, Docket No. 12668, File No. BPCT-2493; for construction permits for television broadcast stations (Channel 6).

A prehearing conference in the above-entitled matter having been held on December 12, 1958, and it appearing from the record made therein that certain agreements were made which properly should be formalized in an order;

It is ordered, This 15th day of December 1958 that:

(1) The parties, including the Broadcast Bureau, shall hold an informal conference on January 6, 1959, or at such other date as is found to be mutually satisfactory;

(2) Petitions to Enlarge Issues based on the information presently contained in the applications to include an issue as to the sufficiency of funds shall be filed on or before January 15, 1959, and response thereto shall be filed on or before February 2, 1959;

(3) Exhibits shall be exchanged by the parties on March 16, 1959;

(4) Copies of the exhibits exchanged shall be supplied the Commission's Broadcast Bureau and the Hearing Examiner on March 16, 1959;

(5) A further prehearing conference shall be held herein on March 30, 1959, commencing at 10:00 a. m.

It is further ordered, That the hearing in this matter presently scheduled to commence on January 15, 1959, is continued to a date to be determined at the further prehearing conference ordered above.

Released: December 16, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-10553; Filed, Dec. 22, 1958;
8:50 a. m.]

[Docket Nos. 12680, 12681; FCC 58M-1460]

KANSAS BROADCASTERS, INC., AND SALINA
RADIO, INC.

ORDER FOR PREHEARING CONFERENCE

In re applications of Kansas Broadcasters, Inc., Salina, Kansas, Docket No. 12680, File No. BP-11527; Salina Radio, Inc., Salina, Kansas, Docket No. 12681, File No. BP-11802; for construction permits.

A prehearing conference in the above-entitled proceeding will be held on Tuesday, January 6, 1959, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 17th day of December 1958.

Released: December 18, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-10554; Filed, Dec. 22, 1958;
8:50 a. m.]

[Docket Nos. 12682, 12683; FCC 58M-1457]

TEXAS TWO-WAY COMMUNICATIONS

ORDER CONTINUING HEARING

In the matter of applications of J. E. Moore, Jr., Wm. R. Lastinger, and J. L. Sheerin d/b as Texas Two-Way Communications, Docket No. 12682, File No. 11-C2-P-59; for a construction permit to establish a new two-way common carrier station in the Domestic Public Land Mobile Radio Service in Dallas, Texas (call sign KKT409); and Docket No. 12683, File No. 13-C2-P-59; for a construction permit to establish a new two-way common carrier station in the Domestic Public Land Mobile Radio Service in Fort Worth, Texas (call sign KKT410).

It is ordered, This 17th day of December 1958, in accordance with the understanding at the prehearing conference today, that the hearing now scheduled for December 29, 1958, is continued to a date to be set by subsequent order.

Released: December 18, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-10555; Filed, Dec. 22, 1958;
8:50 a. m.]

[Docket No. 12704]

HARRY WILLIAMS

ORDER TO SHOW CAUSE

In the matter of Harry Williams, 60 Home Street, Malverne, New York, Docket No. 12704, order to show cause why there should not be revoked the license for radio station WE-2788 aboard the vessel "Calamity Jane."

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Notice mailed August 19, 1958, alleging that on August 10, 1958, at 1707 hours, GMT, the subject radio station transmitted other than safety or operational communications on the frequency 2638 kilocycles, in violation of § 8.358 (a) of the Commission's rules; and

It further appearing that the above-named licensee having failed to make satisfactory reply thereto, the Commission, by letter dated September 29, 1958, and sent by Certified Mail, Return Receipt Requested (No. 7922715), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen (15) days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of pro-

ceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Jane Williams, on October 4, 1958, to a Post Office Department return receipt; and

It further appearing that although more than fifteen (15) days have elapsed since the licensee's receipt of the Commission's letter, no response thereto has been received; and

It further appearing that in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 18th day of December 1958, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291 (b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail, Return Receipt Requested to the said licensee.

Released: December 18, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-10557; Filed, Dec. 22, 1958;
8:50 a. m.]

[Docket Nos. 12701, 12702; FCC 58M-1446]

TOMAH-MAUSTON BROADCASTING CO., INC.
(WTMB)

NOTICE OF PREHEARING CONFERENCE

In re applications of Tomah-Mauston Broadcasting Company Incorporated

Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty (30) days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. If the licensee fails to file such an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty (30) days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty (30) days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

(WTMB), Tomah, Wisconsin, Docket No. 12701, File No. BP-11615; for construction permit; Docket No. 12702, File No. BMP-8306; for modification of permit.

A prehearing conference will be held Monday, January 12, 1959, at 10 a. m., in the offices of the Commission, Washington, D. C.

Dated: December 15, 1958.

Released: December 16, 1958.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-10556; Filed, Dec. 22, 1958;
8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-16026]

NATURAL GAS PIPELINE COMPANY OF
AMERICA

ORDER GRANTING PETITION FOR RECONSIDERATION, VACATING ORDER DENYING MOTION TO SHORTEN SUSPENSION PERIOD, SHORTENING SUSPENSION PERIOD, AND ALLOWING SUBSTITUTION OF REVISED TARIFF SHEETS

DECEMBER 15, 1958.

Natural Gas Pipeline Company of America (Natural) on December 9, 1958, filed a petition for reconsideration of our December 8, 1958, order denying its motion to shorten the suspension period in this proceeding as determined by our August 21, 1958, order suspending proposed revised tariff sheets and deferring their use until January 25, 1959. Concurrently, on December 9, 1958, Natural tendered for filing proposed substitutes for the tariff sheets under suspension in this proceeding. The proposed substitute tariff sheets are designated as Sixth Revised Sheets Nos. 5 and 6, Fourth Revised Sheet No. 7, and Second Revised Sheet No. 27 to Natural's FPC Gas Tariff, First Revised Volume No. 1, issued on December 8, 1958.

The proposed substitute tariff sheets provide for the following rate:

Demand charge—\$2.16 per Mcf per month.
Commodity charge—20.00 cents per Mcf.

The rate now under suspension contains a monthly demand charge of \$2.68 per Mcf and a commodity charge of 20.00 cents per Mcf. The lower substitute rate represents an estimated decrease of approximately \$4,500,000 per year in the revenues Natural would collect in the future under the now suspended rate.

Subsequent to the filing by Natural of its petition for reconsideration, the City of Chicago advised the Commission that it was withdrawing its previously filed objections to Natural's motion to shorten the suspension period. The City of Chicago has withdrawn its objections in consideration of an agreement between Natural and the City that the bases and principles utilized in determination of cost of service (excepting as to rate of return) approved by the Commission's June 20, 1958, order in Docket Nos. G-3123 and G-12157, 19 FPC 1002, shall be applied in the determination of the cost of service herein; and an agreement between Peoples Gas Light & Coke Com-

pany and the City that a certain adjustment for change in cost of natural gas purchased shall not become effective until January 25, 1959. The withdrawal of the objections is also subject to the proviso that the increase in rates effective December 15, 1958, shall be subject to undertaking and refund and that the City shall have ample opportunity to cross-examine all witnesses and present evidence as to the reasonable cost of service which should be allowed in this proceeding. The conditions of this proviso will be met by the action which the Commission is taking by this order.

The petition for reconsideration alleges that Natural will incur an increase in its cost of service in excess of \$13,500 per day beginning on December 15, 1958, when facilities authorized in Docket No. G-12399 are placed in operation, and that the rate increase proposal was designed to permit Natural to recover these additional costs. The petition further alleges that unless the petition for reconsideration is granted and the suspension period is shortened to December 15, 1958, Natural will irretrievably lose these additional revenues. All of Natural's customers have indicated that they have no objection to the shortening of the suspension period as requested by Natural.

The revised tariff sheets and above reduced rates which Natural seeks to substitute for those now under suspension in this proceeding reflect the substantial decrease in construction costs of the facilities authorized in Docket No. G-12399, and the decrease in the unit cost of service that will result from the enlargement of Natural's peak day sales capacity by approximately 185,000 Mcf, as authorized by the Commission on December 2, 1958, in Docket No. G-12399, in lieu of an increase of approximately 100,000 Mcf, which was the basis of the rate changes previously filed.

The Commission finds:

(1) Natural's petition for reconsideration of our December 8, 1958, order denying motion to shorten suspension period should be granted.

(2) Upon reconsideration, it appears that good cause exists for granting Natural's motion to shorten to December 15, 1958, the suspension period prescribed by our August 21, 1958, order, and that our December 8, 1958, order denying motion to shorten suspension period should be vacated.

(3) Good cause exists for permitting Natural to substitute Sixth Revised Sheets Nos. 5 and 6, Fourth Revised Sheet No. 7, and Second Revised Sheet No. 27 to its FPC Gas Tariff, First Revised Volume No. 1, issued December 8, 1958, and tendered for filing December 9, 1958, for the tariff sheets of the same designation, issued July 25, 1958, and heretofore tendered for filing on August 5, 1958, and suspended by our August 21, 1958, order, subject to the provisions of said suspension order as herein modified.

The Commission orders:

(A) Natural's petition for reconsideration of our order denying motion to shorten suspension period, issued December 8, 1958, is hereby granted.

(B) Our order denying motion to shorten suspension period, issued December 8, 1958, is hereby vacated.

(C) Natural's motion to shorten suspension period is hereby granted, and the period of suspension prescribed by our order suspending proposed revised tariff sheets and providing for hearing, issued August 21, 1958, is hereby shortened to December 15, 1958, and until such further time as such proposed revised tariff sheets are made effective in the manner prescribed by the Natural Gas Act.

(D) Sixth Revised Sheets Nos. 5 and 6, Fourth Revised Sheet No. 7, and Second Revised Sheet No. 27 to Natural's FPC Gas Tariff, First Revised Volume No. 1, issued December 8, 1958, and tendered for filing December 9, 1958, are hereby substituted for the tariff sheets of the same designation, issued July 25, 1958, and heretofore tendered for filing on August 5, 1958, and suspended by our order issued August 21, 1958, and such proposed revised tariff sheets, as substituted, are hereby made subject to the provisions of said suspension order and are suspended for the shortened period prescribed in paragraph (C) above.

By the Commission.¹

[SEAL] JOSEPH H. GUTHRIE,
Secretary.

[F. R. Doc. 58-10518; Filed, Dec. 22, 1958;
8:46 a. m.]

[Docket No. G-17229]

FALCON SEABOARD DRILLING CO. ET AL.

ORDER FOR HEARING AND SUSPENDING
PROPOSED CHANGE IN RATE

DECEMBER 16, 1958.

Falcon Seaboard Drilling Company (Operator) et al. (Falcon Seaboard) on November 3, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 30, 1958.

Purchaser: Tennessee Gas Transmission Company.

Rate schedule designation: Supplement No. 2 to Falcon Seaboard's FPC Gas Rate Schedule No. 6.

Effective date: January 1, 1959 (effective date is that proposed by Falcon Seaboard).

In support of the proposed redetermination rate increase, Falcon Seaboard submits copies of Tennessee Gas Transmission Company's price redetermination letter and cites the contract provision therefor. Falcon Seaboard also states that without such price determination provisions to insure receipt of the market price for gas in the area it would not have executed the 20-year contract. Further, Falcon Seaboard states that the increase is necessary to effect increases in costs of materials, equipment, and

¹ Commissioner Connolly dissents as to paragraphs (A), (B) and (C) and concurs as to paragraph (D) of the above order.

labor; and that the increased price is just and reasonable and denial thereof would be discriminatory. In addition, Falcon Seaboard submitted cost data purportedly covering the subject rate schedule. However, since several features of the cost data submitted are questionable, it is not an acceptable justification of the proposed increased rate.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 2 to Falcon Seaboard's FPC Gas Rate Schedule No. 6 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Falcon Seaboard's FPC Gas Rate Schedule No. 6.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until June 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-10519; Filed, Dec. 22, 1958;
8:46 a. m.]

[Docket No. G-4737]

ROSS W. COE, JR., ET AL.

NOTICE OF APPLICATION AND DATE OF
HEARING

DECEMBER 16, 1958.

Take notice that Ross W. Coe, Jr., et al., (Applicant), an independent producer with its principal place of business in Ardmore, Oklahoma, filed on November 8, 1954, an application for a certifi-

cate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the Applicant to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas to Colorado Interstate Gas Company (Colorado) from the Keys Field, Cimarron and Texas Counties, Oklahoma, under a contract dated August 30, 1954, between Applicant and Robert A. Hefner, Jr., as seller, and Colorado as buyer, on file with the Commission as Ross W. Coe, Jr., et al. FPC Gas Rate Schedule No. 1.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 29, 1959 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, N.W., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 16, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-10520; Filed, Dec. 22, 1958;
8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1199]

FLORIDA GROWTH FUND, INC.

NOTICE OF FILING OF APPLICATION FOR EX-
EMPTION OF PURCHASE OF SECURITIES
DURING EXISTENCE OF UNDERWRITING
SYNDICATE

DECEMBER 17, 1958.

Notice is hereby given that Florida Growth Fund, Inc. ("Applicant") a registered open-end diversified investment company has filed an application pursuant to section 10 (f) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from

the provisions of section 10 (f) of the Act the purchase of \$50,000 principal amount of 6 percent Convertible Capital Debentures of Union Finance Corporation ("Union").

Union, through wholly-owned subsidiaries, is engaged in the consumer loan and financing business in the States of Florida, North Carolina and Georgia. A registration statement filed under the Securities Act of 1933 proposing the offer of \$500,000 principal amount of 6 percent Convertible Capital Debentures became effective on December 9, 1958. The offering was underwritten by a group of underwriters which includes Frank B. Bateman, Ltd., Applicant's principal underwriter. Frank B. Bateman and William M. Bateman, general partners of Frank B. Bateman, Ltd., are directors and, respectively, president and secretary of Applicant. The underwriting commissions on Debentures offered to the public amount to 8 percent of principal amount. The Debentures are convertible, at the option of the holder, into shares of common stock of Union at prices ranging from \$8 per share to \$14.10 per share during stated periods prior to October 15, 1973.

If the Applicant were to purchase all of the \$50,000 principal amount of Debentures, it would acquire approximately 10 percent of the total offering, and at the public offering price of 100 percent of principal amount, the purchase would represent an investment of approximately 5 percent of the total assets of Applicant available for investment as at August 15, 1958. The proposed purchases are stated to be consistent with Applicant's investment policy as filed with the Commission and have been approved by its board of directors.

Section 10 (f) of the Act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director or investment adviser of such registered company is an affiliated person, unless the Commission by order grants an exemption therefrom as consistent with the protection of investors. By reason of the affiliations as stated above, the proposed purchases are prohibited by the provisions of section 10 (f) of the Act.

Notice is further given that any interested person may, not later than December 30, 1958, at 1:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matters and may request that a hearing be held, such request stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the applications may be granted as provided in Rule N-5 of the

¹ Other parties are Charles R. Coe, Elizabeth Coe Evans, J. A. Heenan, Thelma Heenan Knight, Frank Heenan, and Euna Mae Heenan.

rules and regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 58-10521; Filed, Dec. 22, 1958;
8:46 a. m.]

[File No. 70-3747]

WILLIAM ZECKENDORF AND WEBB & KNAPP,
INC., PROFIT SHARING TRUST

NOTICE OF APPLICATION FOR APPROVAL OF
ACQUISITION OF STOCK OF HOLDING
COMPANY

DECEMBER 16, 1958.

Notice is hereby given that William Zeckendorf ("Zeckendorf"), an individual and one of three trustees of Webb & Knapp, Inc. Profit Sharing Trust ("Trust") and Trust have filed a joint application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), for an order approving the acquisition of certain shares of the common stock of Chesapeake Industries, Inc. ("Chesapeake"), a holding company exempt by order under section 3 (a) (1) of the Act, and have designated sections 9 and 10 of the Act as applicable to the proposed transactions.

All interested persons are referred to the joint application on file at the office of the Commission for a statement in respect of the transactions and the circumstances related thereto, which are summarized as follows:

Chesapeake has a number of subsidiaries among which the only public utility company is the Portsmouth Gas Company ("Portsmouth") which is engaged in the business of the purchase and distribution at retail of natural gas in Portsmouth, Ohio and environs. Chesapeake owns all of the outstanding securities of Portsmouth. Chesapeake and its subsidiaries are presently exempt from the provisions of the Act by virtue of an order issued December 22, 1955 under section 3 (a) (1) of the Act (Holding Company Act Release No. 13072); and Chesapeake and its wholly owned subsidiary, Theta Enterprises, Inc. (a company purposing to become a holding company) have pending an application (File No. 31-656), pursuant to section 3 (a) (1) of the Act, for an exemption of them, as holding companies, and of their subsidiaries, as such, from the provisions of the Act.

On February 20, 1957 Zeckendorf purchased from Robert R. Young (deceased) 186,038 shares of the common stock of Chesapeake, as a result of which Zeckendorf became the owner of 303,000 shares, or in excess of 5 percent of the outstanding voting securities of Chesapeake.

Subsequent to February 20, 1957, Zeckendorf acquired from time to time addi-

tional shares of the common stock of Chesapeake and now owns 423,424 shares thereof. In addition members of Zeckendorf's family acquired and now own shares of the common stock of Chesapeake, as follows: Marion G. Zeckendorf (wife) 83,823 shares, William Zeckendorf (son) 99,123 shares, and Susan Nicholson, nee Zeckendorf (daughter), 83,823 shares.

On July 25, 1947 Webb & Knapp, Inc. organized Trust, a profit sharing trust for the benefit of certain of the employees of Webb & Knapp, Inc. On September 24, 1958 Trust purchased on the over-the-counter market 5,200 shares of common stock of Chesapeake, as a result of which Trust became the owner of 163,900 such shares, or in excess of 5 percent of the outstanding voting securities of Chesapeake. Subsequent to September 24, 1958, Trust acquired additional shares of the common stock of Chesapeake and now owns 229,200 shares of such stock.

Applicants state that at the time of the acquisitions by Zeckendorf and Trust, of the shares of common stock of Chesapeake purchased on February 20, 1957 and September 24, 1958, respectively, they were not aware that such acquisitions would constitute each of them an affiliate of a public-utility company and of a holding company within the meaning of section 9 (a) (2) of the Act, and, therefore, did not seek approval of such acquisitions as required by said section of the Act. Approval of such acquisitions is being sought by the instant application.

The application states that applicants do not know of any State commission or Federal commission, other than this Commission, which has jurisdiction over the acquisitions described above. No fees, commissions or other compensations have been or will be paid or incurred, directly or indirectly in connection with the acquisitions of the Chesapeake stock, except normal brokerage fees paid by Trust, and counsel fees to be paid by Zeckendorf in connection with this proceeding which latter are estimated at not to exceed \$1,000.

Notice is further given that any interested person may, not later than January 5, 1959, request the Commission in writing that a hearing be held on such matters, stating the nature of his interests, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application, as filed or as it may be hereafter amended, may be granted as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its Rules 20 (a) and 100 thereof, or

take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 58-10522; Filed, Dec. 22, 1958;
8:46 a. m.]

FEDERAL RESERVE SYSTEM

NORTHWEST BANCORPORATION

NOTICE OF TENTATIVE DECISION ON APPLICATION FOR APPROVAL OF ACQUISITION OF VOTING SHARES OF A BANK

Notice is hereby given that, pursuant to section 3 (a) of the Bank Holding Company Act of 1956 ("the Act"), Northwest Bancorporation, Minneapolis, Minnesota ("Applicant"), has applied for the Board's prior approval of action whereby Applicant would acquire 1,085 of the 1,200 outstanding voting shares of The First National Bank at Eveleth, Eveleth, Minnesota. Information contained in the application and other information relied upon by the Board in making its tentative decision are summarized in the Board's Tentative Statement of this date, which is attached hereto and made a part hereof, and is on file with the Federal Register Division and available for inspection at the office of the Board's Secretary and at the Federal Reserve Banks.

The record in this proceeding to date consists of the application, the views and recommendations of the Comptroller of the Currency, this Notice of Tentative Decision, and the facts set forth in the Board's Tentative Statement.

For the reasons set forth in the Tentative Statement, the Board proposes to grant the application.

Notice is further given that any interested person may, not later than fifteen (15) days after the publication of this notice in the FEDERAL REGISTER, file with the Board in writing any comments on or objections to the Board's proposed action, stating the nature of his interest, the reasons for such comments or objections, and the issues of fact or law, if any, presented by said application which he desires to controvert. Such statement should be addressed: Secretary, Board of Governors of the Federal Reserve System, Washington 25, D. C.

Following expiration of the said 15-day period, the Board's tentative decision will be made final by order to that effect, unless for good cause shown other action is deemed appropriate by the Board and is so ordered.

Dated at Washington, D. C., this 17th day of December 1958.

By the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F. R. Doc. 58-10532; Filed, Dec. 22, 1958;
8:48 a. m.]

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Washington, Tuesday, December 23, 1958

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

REPUBLICATION OF REGULATIONS

Chapter I of Title 9 is republished to read as set forth below. Since its original codification, there have been numerous amendments and additions to the chapter. To facilitate the use of this material the various amendments and additions are brought together in their entirety.

This republication is made solely for editorial and codification purposes, and no substantial change is made in the text of the regulations.

Done at Washington, D. C., this 19th day of December 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

Subchapter A—Meat Inspection Regulations

- Part
- 1 Definitions.
 - 2 Scope of inspection.
 - 4 Applications for inspection or exemption; retail butchers, retail dealers, and farmers.
 - 5 Official numbers and inauguration of inspection.
 - 6 Assignment of division employees.
 - 7 Facilities for inspection.
 - 8 Sanitation.
 - 9 Ante-mortem inspection.
 - 10 Post-mortem inspection.
 - 11 Disposal of diseased carcasses and parts.
 - 12 Carcasses of animals slaughtered without ante-mortem inspection.
 - 13 Tank rooms and tanks.
 - 14 Tanning and denaturing condemned carcasses and parts.
 - 15 Rendering carcasses and parts into lard, rendered pork fat, and tallow, and other cooking.
 - 16 Marking, branding, and identifying products.
 - 17 Labeling.
 - 18 Reinspection and preparation of products.
 - 20 Reports.
 - 21 Appeals.
 - 22 Cooperation with local authorities.
 - 23 Bribery, counterfeiting, etc.
 - 24 Export stamps and certificates.
 - 25 Transportation.

- Part
- 26 Federal Food, Drug, and Cosmetic Act.
 - 27 Imported products.
 - 28 Definitions and standards of identity.
 - 29 Inspection and handling of horse meat and products thereof.
 - 40 Identification and certification service for meat and other product.

Subchapter B—Cooperative Control and Eradication of Animal Diseases

- 51 Cattle destroyed because of brucellosis (Bang's disease), tuberculosis or paratuberculosis.
- 52 Dourine in horses and asses.
- 53 Foot-and-mouth disease, pleuropneumonia, rinderpest, and other contagious or infectious animal diseases which constitute an emergency and threaten the livestock industry of the country.
- 54 Animals destroyed because of scrapie.
- 55 Cattle destroyed because of anaplasmosis.

Subchapter C—Interstate Transportation of Animals and Poultry

- 71 General provisions.
- 72 Texas (splenetic) fever in cattle.
- 73 Scabies in cattle.
- 74 Scabies in sheep.
- 75 Dourine in horses and asses.
- 76 Hog cholera, swine plague, and other communicable swine diseases.
- 77 Tuberculosis in cattle.
- 78 Brucellosis in domestic animals.
- 79 Scrapie in sheep.
- 80 Paratuberculosis in domestic animals.
- 81 European Fowl pest and similar poultry diseases.
- 82 Psittacosis or ornithosis in poultry.
- 83 Screwworms.

Subchapter D—Exportation and Importation of Animals and Animal Products

- 91 Inspection and handling of livestock for exportation.
- 92 Importation of certain animals and poultry and certain animal and poultry products.
- 94 Rinderpest, foot-and-mouth disease, fowl pest (fowl plague), and new-castle disease (avian pneumoencephalitis); prohibited and restricted importations.
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- 97 Overtime services relating to imports and exports.

Subchapter E—Viruses, Serums, Toxins, and Analogous Products; Organisms and Vectors

- Part
- 101 General provisions.
 - 102 Licenses and permits to import biological products.
 - 108 Sanitation at licensed establishments.
 - 109 Sterilization at licensed establishments.
 - 112 Labels and samples.
 - 114 Miscellaneous requirements for licensed establishments.
 - 115 Reinspection.
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 - 118 Hog-cholera virus.
 - 119 Anti-hog-cholera serum.
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Subchapter F—Poultry Improvement

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SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 1—DEFINITIONS

§ 1.1 *Definitions.* For the purposes of Parts 1 through 29 of this subchapter the following words, phrases, names, and terms shall be construed, respectively, to mean:

(a) *The Meat Inspection Act.* An act making appropriations for the Department of Agriculture, for the fiscal year

ending June 30, 1907, approved June 30, 1906 (34 Stat. 674-679), as re-enacted by an act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, approved March 4, 1907 (34 Stat. 1260-1265), as amended and extended (21 U. S. C. 71-91, 96).

(b) *The Imported-Meat Act.* Section 306 of an act entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes," approved June 17, 1930 (46 Stat. 639; 19 U. S. C. 1306).

(c) *The Department.* The United States Department of Agriculture.

(d) *Agricultural Research Service.* The Agricultural Research Service of the U. S. Department of Agriculture.

(e) *Administrator.* The Administrator of the Agricultural Research Service.

(f) *Division.* The Meat Inspection Division of the Agricultural Research Service.

(g) *Inspector.* An inspector of the Division.

(h) *Division employees.* Inspectors and all other individuals employed in the Division who are authorized by the Director of Division to do any work or perform any duty in connection with meat inspection.

(i) *Official establishment.* Any slaughtering, meat canning, curing, smoking, salting, packing, rendering, or other similar establishment at which inspection is maintained under the regulations in Parts 1 through 29 of this subchapter.

(j) *Official station.* One or more official establishments included under a single supervision.

(k) *"Inspected and passed," or "U. S. inspected and passed," or "U. S. inspected and passed by Department of Agriculture," or any authorized abbreviations thereof.* The meat, meat byproducts, or meat food products so marked have been inspected and passed under the regulations in Parts 1 through 29 of this subchapter, and at the time they were inspected, passed, and so marked they were found to be sound, healthful, wholesome, and fit for human food.

(l) *"U. S. passed for cooking."* The meat and meat byproducts so marked have been inspected and passed on condition that they be rendered into lard, rendered pork fat, or tallow, as prescribed by Part 15 of this subchapter, or otherwise cooked by a method approved by the Director of Division.

(m) *"U. S. passed for refrigeration."* The meat and meat byproduct so identified have been inspected and passed on condition that they be refrigerated or otherwise handled as prescribed by Part 11 of this subchapter, or by a method approved by the Director of Division.

(n) *"U. S. inspected and condemned"* or any authorized abbreviation thereof. The carcass, viscera, part of carcass, meat, meat byproduct, or meat food product, so marked or so identified, is unsound, unhealthful, unwholesome, or otherwise unfit for human food.

(o) *"U. S. retained."* The carcass, viscera, part of carcass, meat, meat byproduct, meat food product, or other ar-

ticle so marked or identified is held for further examination by an inspector to determine its disposal.

(p) *"U. S. suspect."* The animal so marked is suspected of being affected with a disease or condition which may require its condemnation, in whole or in part, when slaughtered, and is subject to further examination by an inspector to determine its disposal.

(q) *"U. S. condemned."* The animal so marked has been inspected and found to be in a dying condition, or to be affected with any other condition or disease that would require condemnation of its carcass.

(r) *Inspection legend.* A mark or a statement, authorized by the regulations in Parts 1 through 29 of this subchapter, on a product or on the container of a product indicating that the product has been inspected and passed for food by an inspector.

(s) *Animal.* Cattle, sheep, swine, or goat.

(t) *Carcass.* All parts, including viscera, of a slaughtered animal that are capable of being used for human food.

(u) *Meat.* The edible part of the muscle of cattle, sheep, swine, or goats which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing. It does not include the muscle found in the lips, snout or ears.

(v) *Meat byproduct.* Any edible part other than meat which has been derived from one or more cattle, sheep, swine, or goats.

(w) *Meat food product.* Any article of food, or any article intended for or capable of being used as human food which is derived or prepared, in whole or in substantial and definite part, from any portion of any cattle, sheep, swine, or goat, except such articles as organo-therapeutic substances, meat juice, meat extract, and the like, which are only for medicinal purposes and are advertised only to the medical profession.

(x) *Product.* Any part or all of meat, meat byproduct, and meat food product.

(y) *Immediate container or true container.* The unit can, pot, tin, canvas, or other receptacle or covering in which any product is customarily shipped.

(z) *Shipping container or outside container.* The box, bag, barrel, crate, or other receptacle or covering enclosing any product packed in one or more immediate or true containers.

(aa) *Person.* Natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

(34 Stat. 1264, sec. 306, 46 Stat. 639; 19 U. S. C. 1306, 21 U. S. C. 89)

PART 2—SCOPE OF INSPECTION

Sec.

2.1 Establishments requiring inspection.

2.2 Animals and product entering inspected establishments.

Sec.

2.3 Horse slaughtering establishments requiring inspection.

AUTHORITY: §§ 2.1 to 2.3 issued under 34 Stat. 1264, sec. 306, 46 Stat. 639; 19 U. S. C. 1306, 21 U. S. C. 89.

§ 2.1 *Establishments requiring inspection.* Every establishment in which cattle, sheep, swine, or goats are slaughtered for transportation or sale as articles of interstate or foreign commerce, or in which meat, meat byproducts, or meat food products of, or derived from, cattle, sheep, swine, or goats are, wholly or in part, canned, cooked, cured, smoked, salted, packed, rendered, or otherwise prepared for transportation or sale as articles of interstate or foreign commerce, which are capable of being used as food for man, shall have inspection under the regulations in Parts 1 through 29 of this subchapter, except as expressly exempted by Part 4 of this subchapter.

§ 2.2 *Animals and product entering inspected establishments.* All cattle, sheep, swine, and goats and all product entering an establishment at which inspection is required by Parts 1 through 29 of this subchapter, and all product prepared, in whole or in part, therein, shall be inspected, handled, prepared, marked, and labeled as required by the regulations in Parts 1 through 29 of this subchapter.

§ 2.3 *Horse slaughtering establishments requiring inspection.* Every establishment in which horses are slaughtered for transportation or sale as articles of interstate or foreign commerce, or in which carcasses, parts of carcasses, meat, meat byproducts, or meat food products of, or derived from, horses are, wholly or in part, canned, cured, smoked, salted, packed, rendered, or otherwise prepared for transportation or sale as articles of interstate or foreign commerce, which are capable of being used as food for man, shall have inspection in accordance with the terms prescribed in Part 29 of this subchapter.

PART 4—APPLICATIONS FOR INSPECTION OR EXEMPTION; RETAIL BUTCHERS, RETAIL DEALERS, AND FARMERS

Sec.

4.1 Application for inspection or exemption.

4.2 Inspection; drawings, information to be furnished, subsidiary establishments, notice of grant of inspection, false statements.

4.3 Exemption.

4.4 Exemption; holders of, limited to supplying own customers.

4.5 Shipments of farm dressed meat.

4.6 Inspection for violations.

AUTHORITY: §§ 4.1 to 4.6 issued under 34 Stat. 1264, sec. 306, 46 Stat. 639; 19 U. S. C. 1306, 21 U. S. C. 89.

§ 4.1 *Application for inspection or exemption.* (a) The proprietor or operator of each establishment of the kind specified in § 2.1 of this subchapter shall make application to the Director of Division for inspection or for exemption from inspection.

(b) The proprietor or operator of each establishment of the kind specified in § 2.3 of this subchapter shall make appli-

cation to the Director of Division for inspection.

(c) Every application under this section shall be made on a form furnished by the Division, Washington, D. C. In cases of change of ownership or change of location, a new application shall be made.

§ 4.2 Inspection; drawings, information to be furnished, subsidiary establishments, notice of grant of inspection, false statements. (a) Triplicate copies of complete drawings, with specifications, consisting of floor plans showing the locations of such features as the principal pieces of equipment, floor drains, principal drainage lines, hand washing basins, and hose connections for cleanup purposes; roof plans; elevations; cross and longitudinal sections of the various buildings showing such features as principal pieces of equipment, heights of ceilings, conveyor rails, and character of floors and ceilings; and a plot plan showing such features as the limits of the plant's premises, locations in outline of buildings on the premises, cardinal points of the compass, and roadways and railroads serving the plant, properly drawn to scale, shall accompany applications for inspection. Applicants for inspection may request information from the Director of Division concerning the requirements before submitting plans.

(b) Each application shall specify the names, addresses, and forms of organization of subsidiaries for which inspection is requested to do any of the business described in §§ 2.1 or 2.3 of this subchapter.

(c) Notice in writing shall be given to each applicant granted inspection, specifying the establishment to which the same applies.

(d) The Director of Division is hereby authorized to determine whether applications for inspection or for exemption from inspection shall be granted or refused, and to revoke his prior approval of any application if he determines that any false statement was made in such application.

§ 4.3 Exemption. (a) Retail butchers and retail dealers in product, supplying their customers as provided in the Meat Inspection Act, upon making application, pursuant to § 4.1, may be exempted from inspection. To each one so exempted a numbered certificate of exemption shall be furnished. No certificate of exemption shall be issued unless all the premises on which the products are prepared and handled are maintained in a sanitary condition. Failure by certificate holders to maintain sanitary conditions or to conform to such of the regulations in Parts 1 through 29 of this subchapter as apply to them shall be cause for withdrawal of exemption and the cancellation of certificates. Such exempted establishments shall conform to the same regulations as govern official establishments to the extent that such regulations are applicable, including but not limited to those regulations regarding labeling, the use of dyes, chemicals, and preservatives, and the prescribed treatment of pork to destroy trichinae as required under Part 18 of this subchapter.

(b) On request of the Director of Division, or an employee designated by him, an exempted establishment shall furnish such information concerning its business and operations as has a bearing on the exemption of the establishment from inspection.

(c) The Director of Division is hereby authorized to withdraw exemption from any exempted establishment which fails to comply with any applicable provision of the Meat Inspection Act or of the regulations made pursuant thereto.

(d) A certificate of exemption will be issued only in one name at one location. A certificate will not be issued if any business is transacted at the location in the name of anyone other than the applicant for the certificate of exemption, for example, in the name of a parent company, subsidiary, or tenant of the applicant.

§ 4.4 Exemption; holders of, limited to supplying own customers. No establishment holding a certificate of exemption shall use the same for any purpose except to supply its own customers, as provided in the Meat Inspection Act.

§ 4.5 Shipments of farm dressed meat. The carcasses and products of animals slaughtered by any farmer on the farm: *Provided*, They can be identified as such and are sound, healthful, wholesome, and fit for human food, and otherwise meet the requirements of the applicable regulations in Parts 1 through 29 of this subchapter, may be transported in interstate or foreign commerce under the provisions of § 25.11 of this subchapter. A farmer need not apply for exemption from inspection in order to procure the transportation of such carcasses and products.

§ 4.6 Inspection for violations. The issuance of certificates of exemption shall be conditioned on the granting of permission by the holder thereof to inspectors to make inspections to ascertain whether any of the regulations in Parts 1 through 29 of this subchapter have been violated. Inspectors shall make inspections to ascertain whether any of the regulations in Parts 1 through 29 of this subchapter applying to retail butchers, retail dealers, farmers or other persons have been violated.

PART 5—OFFICIAL NUMBERS AND INAUGURATION OF INSPECTION

- Sec. 5.1 Official numbers; subsidiary establishments.
5.2 Separation of official from unofficial establishment.
5.3 Sanitation and adequate facilities.
5.4 Inauguration of inspection.
5.5 Withdrawal of inspection for violations of regulations.
5.6 Reports of violations of regulations.

AUTHORITY: §§ 5.1 to 5.6 issued under 34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89.

§ 5.1 Official numbers; subsidiary establishments. (a) To each establishment granted inspection an official number shall be assigned. Such number shall be used to identify all inspected and passed products prepared in the establishment. More than one number

shall not be assigned to an establishment.

(b) Two or more official establishments under the same ownership or control may be granted the same official number, provided a serial letter is added in each case to identify each establishment and the products thereof.

(c) When inspection has been granted to a person at an establishment, it shall not be granted to any other person at the same establishment, except that a subsidiary of the grantee, doing any of the business described in § 2.1 of this subchapter may apply for and receive inspection.

§ 5.2 Separation of official from unofficial establishment. (a) Each official establishment shall be separate and distinct from any other official establishment, from any unofficial establishment in which any product is handled, and from any other unofficial establishment at the discretion of the Director of Division.

(b) Inspection shall not be inaugurated in any building any part of which is used as living quarters, unless the part for which inspection is requested is separated from such quarters by floors, walls, and ceilings of solid concrete, brick, or similar material, and the floors, walls, and ceilings are without opening that directly or indirectly communicates with any part of the building used as living quarters.

§ 5.3 Sanitation and adequate facilities. Inspection shall not be begun if an establishment is not in a sanitary condition nor unless the establishment agrees to maintain such condition and provides adequate facilities for conducting such inspection.

§ 5.4 Inauguration of inspection. When an application for inspection is granted, the inspector in charge shall, at or prior to the inauguration of inspection, inform the proprietor or operator of the establishment of the requirements of these regulations. If the establishment, at the time inspection is inaugurated, contains any product which has not theretofore been inspected, passed, and marked in compliance with the regulations in Parts 1 through 29 of this subchapter, the identity of the same shall be maintained, and it shall not be transported or offered for transportation in interstate or foreign commerce, or otherwise dealt with as inspected and passed under the regulations in Parts 1 through 29 of this subchapter. The establishment shall adopt and enforce all necessary measures, and shall comply with all such directions as the inspector in charge may prescribe, for carrying out the purposes of this section.

§ 5.5 Withdrawal of inspection for violations of regulations. The Director of Division is hereby authorized to withdraw inspection from any official establishment which fails to comply with any provision of the Meat Inspection Act or of the regulations made pursuant thereto.

§ 5.6 Reports of violations of regulations. Inspectors and other division employees shall report to the inspector in

charge all violations and failures under § 5.5 of which they have knowledge, and the inspector in charge shall report the same to the Director of Division.

PART 6—ASSIGNMENT OF DIVISION EMPLOYEES

Sec.

- 6.1 Designation of inspector in charge and assistants.
- 6.2 Division employees to have access to establishments at all times.
- 6.3 Badge as identification of inspectors.
- 6.4 Assignment of inspectors where members of family employed; soliciting employment.

AUTHORITY: §§ 6.1 to 6.4 issued under 34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89.

§ 6.1 *Designation of inspector in charge and assistants.* The Director of Division shall designate an inspector in charge of the inspection at each official station, and assign to said inspector such assistants as may be necessary.

§ 6.2 *Division employees to have access to establishments at all times.* For the purpose of any examination or inspection necessary to enforce any of the provisions of the regulations contained in Parts 1 through 29 of this subchapter, Division employees shall have access at all times, by day or night, whether the establishment is operated or not, to every part of any official establishment to which they are assigned.

§ 6.3 *Badge as identification of inspectors.* Each Division employee will be furnished with a numbered official badge, which he shall not allow to leave his possession, and which he shall wear in such manner and at such times as the Director of the Division may prescribe. This badge shall be sufficient identification to entitle him to admittance at all regular entrances and to all parts of the establishment and premises to which he is assigned.

§ 6.4 *Assignment of inspectors where members of family employed; soliciting employment.* Except as specifically authorized by the Director of Division, no Division employee shall be detailed for duty at an establishment where any member of his family is employed by the establishment, nor shall any inspector in charge or other employee acting in a supervisory capacity be continued on duty at an official station where any member of his family is employed by any establishment under his jurisdiction. Division employees are forbidden to solicit, for any person, employment at any official establishment, or by any officer, manager, or employee thereof.

PART 7—FACILITIES FOR INSPECTION

Sec.

- 7.1 Facilities for Division employees.
- 7.2 Hours of operation of official establishments.
- 7.3 Designation of days and hours of operation by inspector in charge.
- 7.4 Overtime work of meat inspection employees.
- 7.5 Facilities and conditions to be provided by establishment.
- 7.6 Inspectors to furnish implements and maintain hands and implements in sanitary condition.

AUTHORITY: §§ 7.1 to 7.6 issued under 34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89.

§ 7.1 *Facilities for Division employees.* Furnished office room, including light, heat, and janitor service, shall be provided by official establishments, rent free, for the exclusive use for official purposes of the inspector and other Division employees assigned thereto. The room or rooms set apart for this purpose shall meet with the approval of the inspector in charge and shall be conveniently located, properly ventilated, and provided with lockers suitable for the protection and storage of Division supplies and with facilities suitable for Division employees to change clothing. Laundry service for inspectors' outer work clothing shall be provided by establishments.

§ 7.2 *Hours of operation of official establishments.* Each official establishment shall inform the inspector in charge, or his assistant, when work in each department has been concluded for the day, and of the day and hour when work will be resumed therein. Whenever any product is to be overhauled or otherwise handled in an official establishment during unusual hours, the establishment shall, a reasonable time in advance, notify the inspector in charge, or his assistant, of the day and hour when such work will be commenced, and such articles shall not be so handled except after such notice has been given. No department of an official establishment shall be operated except under the supervision of a Division employee. All slaughtering of animals and preparation of products shall be done within reasonable hours, and with reasonable speed, the facilities of the establishment being considered. No shipment of any product shall be made from an official establishment until after due notice has been given to the inspector in charge or his assistant.

§ 7.3 *Designation of days and hours of operation by inspector in charge.* When one inspector is detailed to conduct the work at two or more official establishments where few animals are slaughtered or where but a small quantity of any product is prepared, the inspector in charge may designate the hours of the day and the days of the week during which such establishments may be operated.

§ 7.4 *Overtime work of meat inspection employees.* The management of an official establishment, an importer, or an exporter desiring to work under conditions which will require the services of an employee of the Division on any Saturday, Sunday, or holiday, or for more than 8 hours on any other day, shall, sufficiently in advance of the period of overtime, request the inspector in charge or his assistant to furnish inspection service during such overtime period, and shall pay the Administrator therefor an amount sufficient to reimburse the Service for the cost of the inspection services so furnished. It will be administratively determined from time to time which days constitute holidays.

§ 7.5 *Facilities and conditions to be provided by establishment.* When required by the Director of Division or the inspector in charge, the following facilities and conditions, and such others as may be essential to efficient conduct of inspection and maintenance of sanitary conditions, shall be provided by each official establishment:

(a) Satisfactory pens, equipment, and assistants for conducting ante-mortem inspection and for separating, marking, and holding apart from passed animals those marked "U. S. suspect" and those marked "U. S. condemned". Pens, alleys, and runways shall be paved, drained, and supplied with adequate hose connections for cleanup purposes. Sufficient light shall be provided for the inspection.

(b) Sufficient natural light and abundant artificial light at all places and such times of the day when natural light may not be adequate for proper conduct of inspection. Rooms shall be kept sufficiently free of steam and vapors for inspection to be properly made. Equipment or substances which generate gases or odors shall not be used except as specifically permitted by the Director of Division.

(c) Racks, receptacles, or other suitable devices for retaining such parts as the head, tongue, tail, thymus gland, and viscera, and all parts and blood to be used in the preparation of meat food products or medical products, until after the post-mortem examination is completed, in order that they may be identified in case of condemnation of the carcass; equipment, trucks, and receptacles for the handling of viscera of slaughtered animals so as to prevent contact with the floor; trucks, racks, marked receptacles, tables, or other necessary equipment for the separate and sanitary handling of carcasses or parts passed for cooking.

(d) Tables, benches, and other equipment on which inspection is performed, of such design, material, and construction as to enable Division employees to conduct their inspection in a ready, efficient and cleanly manner.

(e) Watertight metal trucks or receptacles for holding and handling diseased carcasses and parts, so constructed as to be readily cleaned; such trucks or receptacles to be marked in a conspicuous manner with the phrase "U. S. condemned" in letters not less than 2 inches high, and, when required by the inspector in charge, to be equipped with facilities for locking or sealing.

(f) Adequate arrangements, including liquid soap and cleansers, for cleansing and disinfecting hands, for sterilizing all implements used in dressing diseased carcasses, floors, and such other articles and places as may be contaminated by diseased carcasses or otherwise.

(g) In establishments in which slaughtering is done, rooms, compartments, or specially prepared open places, to be known as "final inspection places", at which the final inspection of retained carcasses may be conducted. Competent assistants for handling retained carcasses and parts shall be provided by the establishment. Final inspection places

shall be adequate in size and their rail arrangement and other equipment shall be sufficient to prevent carcasses and parts, passed for food or cooking, from being contaminated by contact with condemned carcasses or parts. They shall be equipped with hot water, lavatory, sterilizer, tables, and other equipment required for ready, efficient, and sanitary conduct of the inspection. The floors shall be of such construction as to facilitate the maintenance of sanitary conditions and shall have proper drainage connections, and when the final inspection place is part of a larger floor, it shall be separated by a curb, railing, or otherwise.

(h) Rooms, compartments, and receptacles in which carcasses and product may be held for further inspection. These shall be in such number and in such locations as the needs of the inspection in the establishment may require. They shall be equipped for secure locking and shall be held under locks furnished by the department, the keys of which shall not leave the custody of Division employees. Every such room, compartment, or receptacle shall be marked conspicuously with the phrase "U. S. retained" in letters not less than two inches high. Rooms or compartments for these purposes shall be secure and susceptible of being kept clean, including a sanitary disposal of the floor liquids.

(i) Adequate facilities, including denaturing materials, for the proper disposal of condemned articles in accordance with the regulations in Parts 1 through 29 of this subchapter. Tanks or other rendering equipment which, under the regulations in Parts 1 through 29 of this subchapter, must be sealed, shall be properly equipped for sealing as may be specified by the Director of Division.

(j) Docks and receiving rooms, to be designated by the establishment, with the approval of the inspector in charge, for the receipt and inspection of all products as provided in § 18.4 of this subchapter.

(k) Suitable lockers in which brands bearing the inspection legend shall be kept when not in use. All such lockers shall be equipped for locking with locks to be supplied by the department, the keys of which shall not leave the custody of Division employees.

§ 7.6 *Inspectors to furnish implements and maintain hands and implements in sanitary condition.* Inspectors shall furnish their own work clothing and implements, such as knives, steels, flashlights, and triers, for conducting inspection and shall cleanse their hands and implements as prescribed by § 8.3 (c) of this subchapter.

PART 8—SANITATION

- Sec. 8.1 Examination and specifications for equipment and sanitation prior to granting inspection.
- 8.2 Drawings and specifications to be furnished in advance of construction.
- 8.3 Establishments; sanitary condition; requirements.
- 8.4 Sanitary facilities and accommodations; specific requirements.

- Sec. 8.5 Equipment to be easily cleaned; that for inedible products to be marked.
- 8.6 Scabbards for knives.
- 8.7 Rooms, compartments, etc., to be clean and sanitary.
- 8.8 Operations, procedures, rooms, clothing, utensils, etc., to be clean and sanitary.
- 8.9 Protective coverings for product.
- 8.10 Slack barrels and similar containers and vehicles and cars for product; paper in contact with product.
- 8.11 Burlap wrapping for meat; meat wrapped in, to be previously wrapped in paper or cloth.
- 8.12 Second-hand tubs, barrels, other containers and tank cars; inspection and cleaning.
- 8.13 Inedible operating and storage rooms; outer premises, docks, driveways, approaches, pens, alleys, etc.; fly-breeding material; nuisances.
- 8.14 Employment of diseased persons.
- 8.15 Tagging insanitary equipment, utensils, rooms, or compartments.

AUTHORITY: §§ 8.1 to 8.15 issued under 34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89.

§ 8.1 *Examination and specifications for equipment and sanitation prior to granting inspection.* Prior to the inauguration of inspection, an examination of the establishment and premises shall be made by a Division employee and the requirements for sanitation and the necessary facilities for inspection specified.

§ 8.2 *Drawings and specifications to be furnished in advance of construction.* Triplicate copies of drawings and specifications, complete as contemplated in § 4.2 of this subchapter, for remodeling plants of official establishments and for new structures shall be submitted to the Director of Division and approval obtained for the plans in advance of construction.

§ 8.3 *Establishments; sanitary condition; requirements.* (a) Official establishments and premises on or in which any product is prepared or handled by or for persons to whom certificates of exemption have been issued, shall be maintained in sanitary condition, and to this end the requirements of paragraphs (b) to (h), inclusive, of this section shall be complied with.

(b) There shall be abundant light, both natural and artificial, of good quality and well distributed, and sufficient ventilation for all rooms and compartments to insure sanitary condition.

(c) There shall be an efficient drainage and plumbing system for the establishment and premises, and all drains and gutters shall be properly installed with approved traps and vents.

(d) (1) The water supply shall be ample, clean, and potable, with adequate facilities for its distribution in the plant and its protection against contamination and pollution. Every establishment shall make known and, whenever required, shall afford opportunity for inspection of the source of its water supply, the storage facilities, and the distribution system. Equipment using potable water shall be so installed as to prevent back-siphonage into the potable water system. Nonpotable water is permitted only in those parts of official establishments

where no edible product is handled or prepared, and then only for limited purposes such as on ammonia condensers not connected with the potable water supply, in vapor lines serving inedible product rendering tanks, in connection with equipment used for hashing and washing inedible products preparatory to tanking, and in sewer lines for moving heavy solids in the sewage. Nonpotable water is not permitted for washing floors, areas, or equipment involved in trucking materials to and from edible products departments, nor is it permitted in hog scalding vats, dehairing machines, or vapor lines serving edible product rendering equipment, or for clean-up of shackling pens, bleeding areas, or runways within the slaughtering department. In all cases, nonpotable water lines shall be clearly identified and shall not be cross-connected with the potable water supply unless this is necessary for fire protection and such connection is of a type with an adequate break to assure against accidental contamination, and is approved by local authorities and by the Director of Division.

(2) Inspectors in charge may permit the reuse of water in vapor lines leading from deodorizers used in the preparation of lard and similar edible product and in equipment used for the chilling of canned product after retorting, provided the reuse is for the identical original purpose and the following precautions are taken to protect the water that is reused:

(i) All pipe lines, reservoirs, tanks, cooling towers, and like equipment employed in handling the reused water are so constructed and installed as to facilitate their cleaning and inspection.

(ii) Complete draining and disposal of the reused water, effective cleaning of the equipment, and renewal with fresh potable water is accomplished at such intervals as may be necessary to assure an acceptable supply of water for the purpose intended.

(iii) Effective chlorination (not less than approximately 1 part per million of residual chlorine at any point within the cooling system) of the reused water utilized for cooling canned product is maintained but with the understanding that chlorination alone is not to be relied upon entirely or to be accepted in lieu of the requirements listed in subdivisions (i) and (ii) of this subparagraph.

(3) An ample supply of water at not less than 180° F. shall be furnished and used for the cleaning of inspection equipment and other equipment, floors, walls, and the like, which are subject to contamination by the dressing or handling of diseased carcasses, their viscera and parts. Whenever necessary to determine compliance with this requirement, conveniently located thermometers shall be installed to show the temperature of the water at the point of use.

(4) Hot water for cleaning rooms and equipment other than those mentioned in subparagraph (3) of this paragraph shall be delivered under pressure to sufficient convenient outlets and shall be of such temperature as to accomplish a thorough cleanup.

(e) The floors, walls, ceilings, partitions, posts, doors, and other parts of all structures shall be of such materials, construction, and finish as will make them susceptible of being readily and thoroughly cleaned. The floors shall be kept watertight. The rooms and compartments used for edible products shall be separate and distinct from those used for inedible products.

(f) The rooms and compartments in which any product is prepared or handled shall be free from dust and from odors from dressing and toilet rooms, catchbasins, hide cellars, casing rooms, inedible tank and fertilizer rooms, and livestock pens.

(g) Every practicable precaution shall be taken to exclude flies, rats, mice, and other vermin from establishments. The use of poisons for any purpose in rooms or compartments where any unpacked product is stored or handled is forbidden, except under such restrictions and precautions as the Director of Division may prescribe. The use of bait poisons in hide cellars, inedible compartments, outbuildings, or similar places, or in store-rooms containing canned or tierced products is not forbidden but only those approved by the Director of Division may be used. So-called rat viruses shall not be used in any part of an establishment or the premises thereof.

(h) Dogs and cats shall be excluded from establishments.

§ 8.4 Sanitary facilities and accommodations; specific requirements. Adequate sanitary facilities and accommodations shall be furnished by every official establishment. Of these the following are specifically required:

(a) Dressing rooms, toilet rooms, and urinals shall be sufficient in number, ample in size, and conveniently located. The rooms shall be provided with windows to admit direct, natural light and shall have adequate facilities for artificial light. They shall be properly ventilated, and meet all requirements as to sanitary construction and equipment. They shall be separate from the rooms and compartments in which products are prepared, stored, or handled. Where both sexes are employed, separate facilities shall be provided.

(b) Modern lavatory accommodations, including running hot and cold water, soap, towels, etc. These shall be placed in or near toilet and urinal rooms and also at such other places in the establishment as may be essential to assure cleanliness of all persons handling product.

(c) Toilet soil lines shall be separate from house drainage lines to a point outside the buildings and drainage from toilet bowls and urinals shall not be discharged into a grease catchbasin.

(d) Properly located facilities for cleansing and disinfecting utensils and hands of all persons handling any product.

§ 8.5 Equipment to be easily cleaned; that for inedible products to be marked. Equipment and utensils used for preparing, processing, and otherwise handling any product shall be of such materials and construction as will make

them susceptible of being readily and thoroughly cleaned and such as will insure strict cleanliness in the preparation and handling of all products. So far as is practicable, such equipment shall be made of metal or other impervious material. Trucks and receptacles used for inedible materials shall be of similar construction and shall bear some conspicuous and distinctive mark, and shall not be used for handling edible products.

§ 8.6 Scabbards for knives. Scabbards and similar devices for the temporary retention of knives, steels, triers, etc., by workers and others at inspected establishments shall be constructed of rust-resisting metal or other impervious material, shall be of a type that may be readily cleaned, and shall be kept clean.

§ 8.7 Rooms, compartments, etc., to be clean and sanitary. Rooms, compartments, places, equipment, and utensils used for preparing, storing, or otherwise handling any product, and all other parts of the establishment, shall be kept clean and in sanitary condition. There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or places where product is prepared, stored, or otherwise handled.

§ 8.8 Operations, procedures, rooms, clothing, utensils, etc., to be clean and sanitary. (a) Operations and procedures involving the preparation, storing, or handling of any product shall be strictly in accord with cleanly and sanitary methods.

(b) Rooms and compartments in which inspections are made and those in which animals are slaughtered or any product is processed or prepared shall be kept sufficiently free of steam and vapors to enable Division employees to make inspections and to insure cleanly operations. The walls, ceilings, and overhead structures of rooms and compartments in which product is prepared, handled, or stored shall be kept reasonably free from moisture.

(c) Butchers and others who dress or handle diseased carcasses or parts shall, before handling or dressing other carcasses or parts, cleanse their hands with liquid soap and hot water, and rinse them in clean water. Implements used in dressing diseased carcasses shall be thoroughly cleansed in boiling water, or in a prescribed disinfectant followed by rinsing in clean water. The employees of the establishment who handle any product shall keep their hands clean, and in all cases after visiting the toilet rooms or urinals shall wash their hands before handling any product or implements used in the preparation of product.

(d) Aprons, frocks, and other outer clothing worn by persons who handle any product shall be of material that is readily cleansed and only clean garments shall be worn.

(e) Such practices as spitting on whetstones; spitting on the floor; placing skewers, tags, or knives in the mouth; inflating lungs or casings, or testing with air from the mouth such receptacles as tierces, kegs, casks, and the like, containing or intended as containers of any product, are prohibited. Only mechani-

cal means may be used for testing. Care shall be taken to prevent the contamination of products with perspiration, hair, cosmetics, medicaments and the like.

§ 8.9 Protective coverings for product. Inspectors in charge shall require the use of such protective coverings for product as it is distributed from official establishments as will afford adequate protection for the product against dust, dirt, insects and the like, considering the means intended to be employed in transporting the product from the establishment.

§ 8.10 Slack barrels and similar containers and vehicles and cars for product; paper in contact with product. (a) When necessary to avoid contamination of product with wood splinters and the like, slack barrels and similar containers and vehicles and cars shall be lined with suitable material of good quality before packing.

(b) Slack barrels and similar containers and vehicles and cars in which any product is transported shall be kept in a clean and sanitary condition.

(c) Paper used for covering or lining slack barrels and similar containers and vehicles and cars shall be of a kind which does not tear during use but remains intact when moistened by the product and does not disintegrate.

§ 8.11 Burlap wrapping for meat; meat wrapped in, to be previously wrapped in paper or cloth. Since burlap used without any other material as a wrapping for meat deposits lint on the meat and does not sufficiently protect it from outside contamination, the use of burlap as a wrapping for meat will not be permitted unless the meat is first wrapped with a good grade of paper or cloth of a kind which will prevent contamination with lint or other foreign matter.

§ 8.12 Second-hand tubs, barrels, other containers and tank cars; inspection and cleaning. (a) Second-hand tubs, barrels, and boxes intended for use as containers of any product shall be inspected when received at the establishment and before they are cleaned. Those showing evidence of misuse rendering them unfit to serve as containers for food products shall be rejected. The use of those showing no evidence of previous misuse may be allowed after they have been thoroughly and properly cleaned. Steaming, after thorough scrubbing and rinsing, is essential to cleaning tubs and barrels.

(b) Interiors of tank cars about to be used for the transportation of any product shall be carefully inspected for cleanliness even though the last previous content was edible. Lye and soda solutions used in cleaning must be thoroughly removed by rinsing with clean water. In their examinations Division employees shall enter the tank with a light and examine all parts of the interior.

§ 8.13 Inedible operating and storage rooms; outer premises, docks, drive-ways, approaches, pens, alleys, etc.; fly-breeding material; nuisances. All operating and storage rooms and departments of official establishments used for

inedible materials shall be maintained in acceptably clean condition. The outer premises of every official establishment, embracing docks and areas where cars and vehicles are loaded, and the drive-ways, approaches, yards, pens, and alleys, shall be properly paved and drained and kept in clean and orderly condition. All catchbasins on the premises shall be of such construction and location and shall be given such attention as will insure their being kept in acceptable condition as regards odors and cleanliness. Catchbasins shall not be located in departments where product is prepared, handled, or stored. The accumulation on the premises of establishments of any material in which flies may breed, such as hog hair, bones, paunch contents, or manure, is forbidden. No nuisance shall be allowed in any establishment or on its premises.

§ 8.14 Employment of diseased persons. No establishment shall employ, in any department where any product is handled or prepared, any person affected with tuberculosis or other communicable disease in a transmissible stage.

§ 8.15 Tagging insanitary equipment, utensils, rooms, or compartments. When, in the opinion of a Division employee, any equipment, utensil, room, or compartment at an official establishment is unclean or its use would be in violation of any of the regulations in this subchapter, he will attach a "U. S. Rejected" tag thereto. No equipment, utensil, room, or compartment so tagged shall again be used until made acceptable. Such tag so placed shall not be removed by anyone other than a Division employee.

PART 9—ANTE-MORTEM INSPECTION

- Sec.
- 9.1 Ante-mortem inspection in pens of official establishments; suspects.
 - 9.2 Animals suspected of being diseased; disposition of on post-mortem inspection or otherwise; marking suspects; temperatures where disease suspected.
 - 9.3 Marking animals "U. S. condemned" found diseased, or in dying condition.
 - 9.4 Cripples and downers.
 - 9.5 Immature animals.
 - 9.6 Animals showing symptoms of anaplasmosis, leptospirosis, listerellosis, parturient paresis, rabies, railroad sickness, or tetanus.
 - 9.7 Hog cholera; swine injected with hog cholera virus.
 - 9.8 Epithelioma of the eye of cattle.
 - 9.9 Animals affected with anthrax; cleaning and disinfection of infected livestock pens and driveways.
 - 9.10 Cattle affected with anasarca or generalized edema.
 - 9.11 Tuberculin test reactors.
 - 9.12 Swine erysipelas.
 - 9.13 Pregnancy or recent parturition.
 - 9.14 Vaccine animals.
 - 9.15 Emergency slaughter; inspection prior to.
 - 9.16 Disposition of condemned animals.
 - 9.17 Brucellosis-reactor goats.
 - 9.18 Vesicular diseases.

AUTHORITY: §§ 9.1 to 9.18 issued under 34 Stat. 1264, sec. 306, 46 Stat. 889; 19 U. S. C. 1306, 21 U. S. C. 89.

§ 9.1 Ante-mortem inspection in pens of official establishments; suspects.

(a) An ante-mortem examination and inspection shall be made of all cattle, sheep, swine, and goats about to be slaughtered in an official establishment before their slaughter shall be allowed. Such inspection shall be made on the day of slaughter.

(b) Such ante-mortem inspection shall be made in pens on the premises of the establishment in which the animals are about to be slaughtered. When the holding pens of an official establishment are located in a public stock yard and are reserved for the exclusive use of the establishment, such pens shall be regarded as part of the premises of that establishment and the establishment shall be responsible therein for all requirements of Parts 1 through 29 of this subchapter.

(c) Every animal required to be marked as a suspect on ante-mortem inspection in the pens of an official establishment shall be set apart, and, except as hereinafter provided, shall be slaughtered separately from other animals at that establishment unless disposed of as otherwise provided in this part.

§ 9.2 Animals suspected of being diseased; disposition of on post-mortem inspection or otherwise; marking suspects; temperatures where disease suspected. (a) Any animal which, on ante-mortem inspection, does not plainly show, but is suspected of being affected with, any disease or condition that, under Parts 1 through 29 of this subchapter, may cause condemnation of the carcass on post-mortem inspection, and any animal which shows, on ante-mortem inspection, any disease or condition that, under Parts 1 through 29 of this subchapter, would cause condemnation of only part of the carcass on post-mortem inspection, shall be so marked as to retain its identity as a suspect until final post-mortem inspection, when the carcass shall be marked and disposed of as provided elsewhere in Parts 1 through 29 of this subchapter, or until disposed of as otherwise provided for in this part.

(b) All animals required by Parts 1 through 29 of this subchapter to be treated as suspects, or to be marked as suspects, or to be marked so as to retain their identity as suspects, shall be marked by or under the supervision of a Division employee "U. S. suspect", or with other distinctive mark or marks to indicate that they are suspects as the Director of Division may adopt, such as provided under § 9.11. No such mark shall be removed except by a Division employee.

(c) Each animal marked "U. S. suspect" on ante-mortem inspection, and animals treated as suspects such as provided under § 9.11, when presented for slaughter shall be accompanied with a Form MI 402-2, on which shall be recorded the suspect tag number and any other identifying tag numbers present and a brief description of the animal and of the disease or condition for which the animal was classed as a suspect, including its temperature when the temperature of such animal might have a bearing on the disposition of the carcass on post-mortem inspection.

(d) Any swine having a temperature of 106° F. or higher and any cattle, sheep or goats having a temperature of 105° F. or higher shall be marked "U. S. Condemned". In case of doubt as to the cause of the high temperature, or when for other reasons such action appears warranted, any such animals may be held for a reasonable time, under the supervision of a Division employee, for further observation and taking of temperature before final disposition of such animals is determined.

(e) When any animal tagged "U. S. suspect" is released for any purpose or reason, as provided in this part, the tag shall be removed by a Division employee and his action reported to the inspector in charge.

§ 9.3 Marking animals "U. S. condemned" found diseased, or in dying condition. (a) All animals plainly showing on ante-mortem inspection any disease or condition that, under Parts 1 through 29 of this subchapter, would cause condemnation of their carcasses on post-mortem inspection shall be marked "U. S. condemned" and disposed of in accordance with § 9.16.

(b) Animals received for slaughter and found in a dying condition on premises of an official establishment shall be marked "U. S. condemned" and disposed of in accordance with § 9.16.

(c) Reactors to the tuberculin test, required by this section to be condemned, should be autopsied and the findings made the subject of a special report.

(d) Any animal found in a comatose or semi-comatose condition or affected with any condition not otherwise covered in this part, which would not warrant release of the animal for slaughter for food shall be marked "U. S. condemned" and disposed of in accordance with § 9.16 except that such animal may be set apart and held for further observation or treatment under Division or other responsible official supervision.

§ 9.4 Cripples and downers. All seriously crippled animals and animals commonly termed "downers," if not marked "U. S. Condemned," as required elsewhere in this part, shall be marked and treated as suspects in accordance with § 9.2.

§ 9.5 Immature animals. Animals which are offered for ante-mortem inspection under this part, and which are regarded as immature, shall be marked "U. S. suspect", and, if slaughtered, the disposition of their carcasses shall be determined by the post-mortem findings in connection with the ante-mortem conditions. If not slaughtered as suspects, such animals shall be held under Division or other responsible official supervision, and after sufficient development may be released for slaughter, or may be released for any other purpose, provided they have not been exposed to any infectious or contagious disease.

§ 9.6 Animals showing symptoms of anaplasmosis, leptospirosis, listerellosis, parturient paresis, rabies, railroad sickness, or tetanus. (a) All animals showing on ante-mortem inspection symptoms of anaplasmosis, leptospirosis, listerellosis, parturient paresis, rabies,

railroad sickness, or tetanus shall be marked "U. S. condemned" and disposed of in accordance with § 9.16, except that cattle showing symptoms of anaplasmosis, leptospirosis, listerellosis, parturient paresis, or railroad sickness may be set apart and held for treatment under Division or other responsible official supervision. If, at the expiration of the treatment period, animals upon examination are found to be free from disease, they may be released for any purpose in accordance with § 9.16, except that when released for slaughter at the official establishment, animals which have been previously affected with listerellosis shall be marked "U. S. suspect."

(b) Animals which have reacted to a test for leptospirosis, but which show no symptoms of the disease, shall be marked "U. S. suspect."

§ 9.7 *Hog cholera; swine infected with hog cholera virus.* (a) All hogs plainly showing on ante-mortem inspection that they are affected with hog cholera shall be marked "U. S. condemned" and disposed of in accordance with § 9.16.

(b) If a hog has a temperature of 106° F. or higher, and is of a lot in which there are symptoms of hog cholera, in case of doubt as to the cause of the high temperature, after being marked for identification, it may be held for a reasonable time, under the supervision of a Division employee for further observation and taking of temperature. Any hog so held shall be reinspected on the day it is slaughtered. If, upon such reinspection, or, when not held for further observation and taking of temperature, then on the original inspection, the hog has a temperature of 106° F. or higher, it shall be condemned and disposed of in accordance with § 9.16.

(c) All hogs, even though not themselves marked as suspects, which are of lots one or more of which have been condemned or marked as suspects for hog cholera, shall, so far as possible, be slaughtered separately and apart from all other animals passed on ante-mortem inspection.

(d) A hog suspected of being affected with hog cholera may be set apart and held for treatment under Division or other responsible official supervision. If at the expiration of the treatment period, the animal, upon examination, is found to be free from disease, it may be released for any purpose, including slaughter.

(e) Swine, other than hyperimmune swine, shall be condemned on ante-mortem inspection if offered for slaughter within 28 days after injection with hog-cholera virus.

(f) Swine, other than hyperimmune swine, offered for slaughter after 28 days following injection with hog-cholera virus shall be given ante-mortem inspection in conformity with Parts 1 through 29 of this subchapter without reference to the injected virus.

(g) Hyperimmune swine shall be condemned on ante-mortem inspection if offered for slaughter within 10 days after hyperimmunization.

(h) Hyperimmune swine offered for slaughter after 10 days following hyperimmunization shall be given ante-mortem

inspection in conformity with Parts 1 through 29 of this subchapter without reference to the injected virus.

§ 9.8 *Epithelioma of the eye of cattle.* (a) Any animal found on ante-mortem inspection to be affected with epithelioma of the eye and of the orbital region in which the eye has been destroyed or obscured by neoplastic tissue and which shows extensive infection, suppuration, and necrosis, usually accompanied with foul odor, or any animal affected with epithelioma of the eye or of the orbital region which, regardless of extent, is accompanied with cachexia shall be marked "U. S. condemned" and disposed of in accordance with § 9.16.

(b) Any animal found on ante-mortem inspection to be affected with epithelioma of the eye or of the orbital region to a lesser extent than in (a) shall be marked "U. S. suspect" and disposed of as provided in Parts 1 through 29 of this subchapter.

§ 9.9 *Animals affected with anthrax; cleaning and disinfection of infected livestock pens and driveways.* (a) Any animal found on ante-mortem inspection to be affected with anthrax shall be marked "U. S. condemned" and disposed of in accordance with § 9.16.

(b) No animal of a lot in which anthrax is found on ante-mortem inspection shall be presented for post-mortem inspection until it has been determined by a careful ante-mortem inspection that no infected animal remains in the lot. Apparently healthy animals other than hogs shall be held as provided for in paragraph (c) of this section. If desired, all apparently healthy animals of the lot may be segregated and held for treatment by a competent veterinarian under Division or other responsible official supervision. No anthrax vaccine (live organisms) shall be used on the premises of an official establishment.

(c) Apparently healthy animals of a lot of cattle, calves, sheep, or goats in which anthrax is detected, and animals which have been treated with anthrax biologicals which do not contain living anthrax organisms, shall not be presented for post-mortem inspection in less than 21 days following the last treatment or the last death. Treatment with anthrax vaccine (live organisms) must be elsewhere than on the official premises and subject to the conditions stated in paragraph (d) of this section.

(d) Animals which have been injected with anthrax vaccines (live organisms) within six weeks, and those bearing evidence of reaction to such treatment, such as inflammation, tumefaction, or edema at the site of the injection, shall be condemned on ante-mortem inspection, or such animals may be held under Division or other responsible official supervision until the expiration of the six-week period and the disappearance of any reaction to the treatment.

(e) When animals are found on ante-mortem inspection to be affected with anthrax, the cleaning and disinfection of exposed livestock pens and driveways of the official establishment shall consist of promptly and thoroughly removing and burning all straw, litter, and manure. This should be followed immediately by

a thorough disinfection of the exposed premises by soaking the ground, fences, gates, and all exposed material with a 5 percent solution of sodium hydroxide or commercial lye prepared as outlined in § 10.9 (e) (1) of this subchapter, or other disinfectant approved by the Director of Division specifically for this purpose.

§ 9.10 *Cattle affected with anasarca or generalized edema.* (a) All cattle found on ante-mortem inspection to be affected with anasarca in advanced stages and characterized by an extensive and generalized edema shall be marked "U. S. condemned" and disposed of in accordance with § 9.16.

(b) Cattle found on ante-mortem inspection to be affected with anasarca to a lesser extent than in paragraph (a) of this section shall be marked "U. S. suspect" and disposed of as provided elsewhere in Parts 1 through 29 of this subchapter.

(c) An animal suspected of being affected with anasarca may be set apart and held for treatment under Division or other responsible official supervision. If at the expiration of the treatment period the animal upon examination is found to be free from disease, it may be released for any purpose.

§ 9.11 *Tuberculin test reactors.* Animals which are known to have reacted to the tuberculin test and which are to be slaughtered at an official establishment shall be marked and treated as suspects in accordance with § 9.2, except that animals bearing an official "USBAI Reacted" or similar State reactor tag should not be tagged "U. S. suspect".

§ 9.12 *Swine erysipelas.* (a) All hogs plainly showing on ante-mortem inspection that they are affected with acute swine erysipelas shall be marked "U. S. condemned" and disposed of in accordance with § 9.16.

(b) All hogs suspected on ante-mortem inspection of being affected with swine erysipelas shall be marked and treated as suspects and disposed of in accordance with Parts 1 through 29 of this subchapter.

(c) A hog suspected of being affected with swine erysipelas may be set apart and held under Division or other responsible official supervision for treatment. If at the expiration of the treatment period the animal upon examination is found to be free from disease, it may be released for any purpose.

§ 9.13 *Pregnancy or recent parturition.* The slaughter of an animal which has been marked as a suspect on account of advanced pregnancy or on account of having recently given birth to young, and which has not been exposed to any infectious or contagious disease, is not required. Such animal, together with its young, may be released for breeding or dairy purposes, and when released shall be removed promptly from the stockyards or premises of the establishment where inspected. Such animals may be held at the establishment for a period of not less than 10 days. At the completion of this holding period if the animals appear normal and have not been exposed

to contagious or infectious disease, they may be released for slaughter or for any other purpose.

§ 9.14 Vaccine animals. Vaccine animals with unhealed lesions of vaccinia, accompanied with fever, which have not been exposed to any other infectious or contagious disease, are not required to be slaughtered and may be released for removal from the premises.

§ 9.15 Emergency slaughter; inspection prior to. In all cases of emergency slaughter, except as provided in § 11.29 of this subchapter, the animals shall be inspected immediately before slaughter, whether theretofore inspected or not. When the necessity for emergency slaughter exists, the establishment shall notify the inspector in charge or his assistant so that such inspection may be made.

§ 9.16 Disposition of condemned animals. Except as otherwise provided in this part, animals marked "U. S. condemned" shall be killed by the official establishment, if not already dead. Such animals shall not be taken into an establishment to be slaughtered or dressed; nor shall they be conveyed into any department of the establishment used for edible products; but they shall be disposed of and tanked in the manner provided for condemned carcasses in Part 14 of this subchapter. The "U. S. condemned" tag shall not be removed from, but shall remain on, the carcass until it goes into the tank, at which time the tag may be removed by a Division employee only. The number of such tag shall be reported to the inspector in charge by the inspector who affixed it, and also by the inspector who supervised the tanking of the carcass. Any animal condemned on account of hog cholera, swine erysipelas, vesicular exanthema, vesicular stomatitis, railroad sickness, parturient paresis, anasarca, anaplasmosis, leptospirosis, listeriosis, or inflammatory condition including pneumonia, enteritis, and peritonitis, may be set apart and held for treatment under Division or other responsible official supervision. The "U. S. condemned" tag will be removed by a Division employee either when the animal is released to a responsible official for treatment, or following treatment under Division supervision if the animal is found to be free from disease. When an animal under the provisions of these regulations is to be released for a purpose other than slaughter, the official establishment or the owner of the animal shall first obtain permission for the movement of such animal from the local State or Federal livestock sanitary official having jurisdiction.

§ 9.17 Brucellosis-reactor goats. Goats which have reacted to a test for brucellosis shall not be slaughtered in an official establishment.

§ 9.18 Vesicular diseases. (a) Immediate notification shall be given to the local state and Federal livestock sanitary officials having jurisdiction when an animal is found to be affected with a vesicular disease.

(b) No animal under quarantine by state or Federal livestock sanitary official

on account of a vesicular disease will be given ante-mortem inspection.

(c) If no quarantine is invoked, or if a quarantine is invoked and later lifted, ante-mortem inspection shall be as follows:

(1) Any animal affected with vesicular exanthema or vesicular stomatitis in the acute stages, as evidenced by acute and active lesions or an elevated temperature, shall be marked "U. S. condemned" and disposed of in accordance with § 9.16.

(2) Any animal affected with vesicular exanthema, or vesicular stomatitis, but which has recovered to the extent that the lesions are in process of healing, the temperature is within normal range, and the animal shows a return to normal appetite and activity, shall be marked "U. S. suspect" and disposed of in accordance with § 9.2, except that if desired, such animal may be set apart and held under Division or other responsible official supervision for treatment. If the animal is set aside for treatment, the "U. S. suspect" tag will be removed by a Division employee, either when the animal is released for treatment to a responsible official, or following treatment while under the custody of a Division employee if the animal is found to be free from disease. Such animal, found to be free from disease, may be released for slaughter or for purposes other than slaughter, provided that in the latter instance, the official establishment or the owner of the animal shall first obtain permission from the local state or Federal livestock sanitary official having jurisdiction of the movement of such animal.

PART 10—POST-MORTEM INSPECTION

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| Sec. | |
| 10.1 | Extent and time of post-mortem inspection. |
| 10.2 | Organs and parts to be held pending final inspection of carcasses. |
| 10.3 | Carcasses and parts in certain instances to be retained. |
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| 10.5 | Condemned carcasses and parts to be so marked; tanking; separation. |
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| 10.7 | Disposition of parts showing localized lesions; removal of spermatic cords and placentas. |
| 10.8 | Passing and marking of carcasses and parts. |
| 10.9 | Anthrax; carcasses not to be eviscerated; carcasses affected to be tanked immediately; hides, hoofs, horns, hair, viscera and contents, and fat to be tanked; handling of blood and scalding vat water; general clean-up and disinfection. |
| 10.10 | Carcasses with skin or hide on; cleaning before evisceration; removal of larvae of oestrus bovis. |
| 10.11 | Cleaning of hog carcasses before incising. |
| 10.12 | Sternum to be split; abdominal and thoracic viscera to be removed. |
| 10.13 | Carcasses or parts thereof not to be inflated; transferring caudal or other fat. |
| 10.14 | Handling of bruised parts. |
| 10.15 | Skins from diseased swine; removal from establishments; disinfection; separate compartments. |
| 10.16 | Hyperimmune swine bled before entering official establishments. |

- Sec.
10.17 Inspection of cattle, calf and sheep lungs; hog lungs not to be saved as edible.
10.18 Inspection of mammary glands.

AUTHORITY: §§ 10.1 to 10.18 issued under 34 Stat. 1284, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89.

§ 10.1 Extent and time of post-mortem inspection. A careful post-mortem examination and inspection shall be made of the carcasses and parts thereof of all cattle, sheep, swine, and goats slaughtered at official establishments. Such inspection and examination shall be made at the time of slaughter, except in cases of emergencies provided for in § 11.29 of this subchapter.

§ 10.2 Organs and parts to be held pending final inspection of carcasses. The head, tongue, tail, thymus gland, and all viscera, and all parts and blood to be used in the preparation of meat food products or medical products, shall be held in such manner as to preserve their identity until after post-mortem examination has been completed, in order that they may be identified in case the carcass is condemned, passed for cooking, or held for refrigeration.

§ 10.3 Carcasses and parts in certain instances to be retained. Each carcass, including all detached parts and organs thereof, in which any lesion or other condition is found that might render the meat or any part or organ unfit for food purposes, and which for that reason would require a subsequent inspection, shall be retained by the Division employee at the time of inspection. The identity of every such retained carcass, detached part, and organ thereof shall be maintained until the final inspection has been completed. Retained carcasses shall not be washed or trimmed unless authorized by the inspector.

§ 10.4 Identification of carcasses and parts; tagging. Such devices and methods as may be approved by the Director of Division may be used for the temporary identification of retained carcasses, parts, or organs. In all cases the identification shall be further established by affixing "U. S. retained" tags as soon as practicable and before final inspection. These tags shall not be removed except by a Division employee.

§ 10.5 Condemned carcasses and parts to be so marked; tanking; separation. Each carcass or part which is found on final inspection to be unsound, unhealthful, unwholesome, or otherwise unfit for human food shall be conspicuously marked on the surface tissues thereof by a Division employee at the time of inspection "U. S. inspected and condemned". Condemned detached parts and organs of such character that they cannot be so marked shall be placed immediately in trucks or receptacles which shall be kept plainly marked "U. S. inspected and condemned", in letters not less than 2 inches high. All condemned carcasses, parts, and organs shall remain in the custody of a Division employee and shall be tanked as required in the regulations in Parts 1 through 29 of this subchapter at or before the close of the day on which they are condemned.

§ 10.6 *Carcasses and parts passed for cooking; marking.* Carcasses and parts passed for cooking shall be marked conspicuously on the surface tissues thereof by a Division employee at the time of inspection, "U. S. passed for cooking". All such carcasses and parts shall be cooked in accordance with Part 15 of this subchapter, and until so cooked shall remain in the custody of a Division employee.

§ 10.7 *Disposal of parts showing localized lesions; removal of spermatic cords and pizzles.* (a) In all cases where carcasses showing localized lesions are passed for food or for cooking, the diseased parts shall be removed before the "U. S. retained" tag is taken from the carcass, and such parts shall be condemned.

(b) Spermatic cords shall be removed from hog carcasses, and pizzles from all carcasses.

§ 10.8 *Passing and marking of carcasses and parts.* Carcasses and parts found to be sound, healthful, wholesome, and fit for human food shall be passed and marked as elsewhere provided in Parts 1 through 29 of this subchapter.

§ 10.9 *Anthrax; carcasses not to be eviscerated; carcasses affected to be tanked immediately; hides, hoofs, horns, hair, viscera and contents, and fat to be tanked; handling of blood, and scalding vat water; general clean-up and disinfection.* (a) Carcasses found before evisceration to be affected with anthrax shall not be eviscerated but shall be retained, condemned, and immediately tanked or otherwise disposed of as provided in Part 14 of this subchapter.

(b) All carcasses and all parts, including hides, hoofs, horns, hair, viscera and contents, blood and fat, found to be affected with anthrax shall be condemned and immediately disposed of as provided in Part 14 of this subchapter, except that the blood may be handled through the usual blood cooking and drying equipment.

(c) The part of any carcass contaminated with anthrax-infected material through contact with soiled instruments or otherwise shall be immediately condemned and disposed of as provided in Part 14 of this subchapter.

(d) The scalding vat water through which hog carcasses affected with anthrax have passed shall be immediately drained into the sewer and all parts of the scalding vat shall be cleaned and disinfected as provided in paragraph (e) of this section.

(e) (1) That portion of the slaughtering department (bleeding area, scalding vat, gambrelling bench, floors, walls, posts, platforms, saws, cleavers, knives, hooks, and the like), as well as employees' boots and aprons contaminated through contact with anthrax-infected material, shall, except as provided in subparagraph (2) of this paragraph, be cleaned immediately and disinfected with one of the following disinfectants or other disinfectant approved specifically for this purpose by the Director of Division:

(i) A 5% solution of sodium hydroxide or commercial lye containing at least

94% of sodium hydroxide. The solution should be prepared freshly immediately before use by dissolving 2½ pounds of sodium hydroxide or lye in 5½ gallons of hot water and should be applied as near scalding hot as possible to be most effective. (Owing to the extreme caustic nature of sodium hydroxide solution, precautionary measures such as the wearing of rubber gloves and boots to protect the hands and feet, and goggles to protect the eyes, should be taken by those engaged on the disinfection job. It is also advisable to have an acid solution, such as vinegar, in readiness in case any of the sodium hydroxide solution should come in contact with any part of the body.)

(ii) A solution of sodium hypochlorite containing approximately one-half of 1% (5000 parts per million) of available chlorine. The solution should be freshly prepared.

(iii) When a disinfectant solution has been applied to equipment which will afterwards contact meat, the equipment shall be rinsed with clean water before again being used.

(2) In case anthrax infection is found in the hog slaughtering department, an immediate preliminary disinfection shall extend from the head-dropper's station to the point where the disease is detected and the affected carcasses shall be cut down and removed from the room. Upon completion of the slaughtering of the lot of hogs of which the anthrax-infected animals were a part, slaughtering operations shall cease, and a thorough clean-up and disinfection shall be made, as provided in subparagraph (1) of this paragraph. If the slaughter of the lot has not been completed by the close of the day, the clean-up and disinfection shall not be deferred beyond the close of the day on which anthrax was detected.

(3) The first and indispensable precautionary step for persons who have handled anthrax material is thorough cleansing of the hands and arms with liquid soap and running hot water. It is important that this step be taken immediately after exposure, before vegetative anthrax organisms have had time to form spores. In the cleansing, a brush or other appropriate appliance should be used to insure the removal of all contaminating material from under and about the fingernails. This process of cleansing is most effective when performed in repeated cycles of lathering and rinsing, rather than in spending the same amount of time in scrubbing with a single lathering. After the hands have been cleansed thoroughly and rinsed free of soap, they may, if desired, be immersed for about one minute in a 1:1,000 solution of bichloride of mercury, followed by thorough rinsing in clean running water. Supplies of bichloride of mercury for the purpose must be held in the custody of the inspector in charge. As a precautionary measure, all persons exposed to anthrax infection should report promptly any suspicious condition (sore or carbuncle) or symptom to a physician, in order that anti-anthrax serum or other treatment may be administered as indicated.

§ 10.10 *Carcasses with skin or hide on; cleaning before evisceration; removal of larvae of oestrus bovis.* When a carcass is to be dressed with the skin or hide left on, the skin or hide shall be thoroughly washed and cleaned before any incision is made for the purpose of removing any part thereof or evisceration, except that where calves are slaughtered by the kosher method, the heads shall be removed from the carcasses before washing of the carcasses. The skin shall be removed at the time of post-mortem inspection from any calf carcass infested with the larvae of the "ox-warble" fly (*hypoderma lineata* and *hypoderma bovis*).

§ 10.11 *Cleaning of hog carcasses before incising.* All hair, scurf, and dirt, including all hoofs and claws, shall be removed from hog carcasses, and the carcasses thoroughly washed and cleaned before any incision is made for inspection or evisceration.

§ 10.12 *Sternum to be split; abdominal and thoracic viscera to be removed.* The sternum of each carcass shall be split and the abdominal and thoracic viscera removed at the time of slaughter in order to allow proper inspection.

§ 10.13 *Carcasses or parts thereof not to be inflated; transferring caul or other fat.* Carcasses or parts of carcasses shall not be inflated with air. Transferring the caul or other fat from a fat to a lean carcass is prohibited.

§ 10.14 *Handling of bruised parts.* When only a portion of a carcass is to be condemned on account of slight bruises, either the bruised portion shall be removed immediately and disposed of in accordance with Part 14 of this subchapter, or the carcass shall be promptly placed in a retaining room and kept until chilled and the bruised portion then removed and disposed of as provided above.

§ 10.15 *Skins from diseased swine; removal from establishments; disinfection; separate compartments.* The skins from swine condemned for tuberculosis or any disease communicable to man or other animal may be removed from the establishment, except as provided in § 10.9, for tanning or other industrial use; but they shall be removed for these uses only after they have been disinfected, as follows: Each skin shall be immersed for not less than five minutes in a 5 percent solution of liquor cresolis compositus, or a 5 percent solution of carbolic acid, or shall be otherwise treated as prescribed by the Director of Division. The process of skinning and disinfecting shall be conducted in a specially prepared place approved by the inspector in charge, and under the supervision of a Division employee.

§ 10.16 *Hyperimmune swine bled before entering official establishments.* Carcasses of hyperimmune swine which have been given the final bleeding at a serum plant under supervision of the Animal Inspection and Quarantine Division of the Department may be transferred to an official establishment for dressing and post mortem inspection in accordance with the provisions of this part when authorized by the Director of

the Division. The transfer of such carcasses to the official establishment shall be made as promptly as possible and their delivery to the scalding vat shall be accomplished within one hour from the time bleeding is completed. The identity of the carcasses of hyperimmune swine shall be maintained in such manner as to positively identify them and to indicate the time of final bleeding. Procedures for maintaining this identity shall be such as will serve the purposes of the Animal Inspection and Quarantine Division and the Meat Inspection Division, and shall be formulated by the inspectors in charge of the Divisions involved. Each day that hyperimmune swine are presented for post mortem inspection an ante-mortem report Form MI 402-1 covering such swine shall be rendered by the inspector at the serum plant and furnished the inspector in charge of meat inspection.

§ 10.17 Inspection of cattle, calf and sheep lungs; hog lungs not to be saved as edible. (a) All cattle, calf and sheep lungs intended for food purposes shall be inspected to determine whether foreign matter is present in the air passages. The main bronchi and branches shall be slit by employees of the establishment as required by the inspector, and, if ingesta or other objectionable foreign matter has entered these passages, the lungs shall be condemned.

(b) Hog lungs shall not be saved as edible product.

§ 10.18 Inspection of mammary glands. (a) Lactating mammary glands and diseased mammary glands of cattle, sheep, swine, and goats shall be removed without opening the milk ducts or sinuses. If pus or other objectionable material is permitted to come in contact with the carcass, the parts of the carcass thus contaminated shall be removed and condemned.

(b) Cow udders may be saved for food purposes, provided suitable facilities for handling and inspecting them are provided.

(c) The inspection of udders from cows which have been kept for breeding purposes only shall consist of examination by palpation and, when necessary, by incision. The inspection of udders from cows which have been used for dairy purposes shall include slicing in sections about two inches in thickness. This slicing shall be done by establishment employees. The udders in the sliced condition shall be given a careful examination by Division employees. The inspector will designate the udders which are to be sliced. When there is any doubt as to whether the udder is from a cow which has been used for breeding purposes only, then the udder shall be sliced and inspected as provided for udders from cows used for dairy purposes. Each udder shall be properly identified with its respective carcass and kept separate and apart from other udders until its disposal has been determined, when it may be further handled as the conditions warrant.

(d) The udders from cows officially designated as "Bang's disease reactors" or as "mastitis elimination cows" shall not be utilized for edible purposes.

(e) Lactating mammary glands of swine intended for edible purposes shall be handled and inspected in the same manner as provided in paragraph (c) of this section for the udders of cows used for dairy purposes, except that the sliced sections shall be about one inch in thickness. Glands that are passed may be distributed as such but their use in meat food products is limited to the preparation of rendered pork fat.

PART 11—DISPOSAL OF DISEASED CARCASSES AND PARTS

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| Sec. | |
| 11.1 | Disposal of diseased carcasses and parts; general. |
| 11.2 | Tuberculosis; principles for guidance in passing on carcasses affected. |
| 11.3 | Disposition when affected with tuberculosis. |
| 11.4 | Hog cholera; disposition of hog carcasses on account of. |
| 11.5 | Carcasses of swine injected with hog cholera virus. |
| 11.6 | Swine erysipelas. |
| 11.7 | Diamond-skin disease. |
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| 11.9 | Cattle carcasses affected with anasarca or generalized edema. |
| 11.10 | Actinomyces and actinobacillosis; disposition of carcasses and parts. |
| 11.11 | Anthrax, bacillary hemoglobinuria in cattle, blackleg, hemorrhagic septicemia, icterohematuria in sheep, malignant epizootic catarrh, pyroplasmiasis, pyemia, septicemia, unhealed vaccine lesions; carcasses affected with, to be condemned. |
| 11.12 | Malignant neoplasms; disposition of organs, parts, or carcasses. |
| 11.13 | Epithelioma of the eye of cattle. |
| 11.14 | Carcasses showing disease such as generalized melanosis, etc., affecting the system to be condemned. |
| 11.15 | Abrasions, bruises, tumors, abscesses, pus, etc.; disposition of carcasses and parts. |
| 11.16 | Brucellosis. |
| 11.17 | Carcasses so infected that consumption of the meat may cause food poisoning shall be condemned. |
| 11.18 | Necrobacillosis, pyemia, septicemia; disposition of carcasses. |
| 11.19 | Caseous lymphadenitis; disposition of carcasses and parts. |
| 11.20 | Icterus; disposition of carcasses. |
| 11.21 | Urine or sexual odor; disposition of carcasses. |
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| 11.23 | Hogs affected with urticaria, tinea tonsurans, demodex folliculorum or erythema; disposition of carcasses. |
| 11.24 | Tapeworm cysts (cysticercus bovis); methods of inspecting for; carcasses and parts of cattle infested with; disposition of carcasses and parts; conditions under which refrigeration permitted; calves excepted. |
| 11.25 | Hogs affected with tapeworm cysts (cysticercus cellulosae); disposition. |
| 11.26 | Disposition of carcasses, organs, and parts showing evidence of infestation with parasites not transmissible to man; sheep carcasses affected with tapeworm cysts; carcasses infested with gid bladder worms; organs and parts infested with hydatid cysts; livers infested with flukes. |
| 11.27 | Emaciated or anemic carcasses and those showing slimy fat degeneration or serous muscular infiltration. |
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| 11.30 | Carcasses of young calves, pigs, kids, and lambs; when condemned. |
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| 11.34 | Vesicular exanthema and vesicular stomatitis. |
| 11.35 | Anaplasmosis. |
| 11.36 | Listerellosis. |
| 11.37 | Leptospirosis. |

AUTHORITY: §§ 11.1 to 11.37 issued under 34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89.

§ 11.1 Disposal of diseased carcasses and parts; general. (a) The carcasses or parts of carcasses of all animals slaughtered at an official establishment and found at the time of slaughter or at any subsequent inspection to be affected with any of the diseases or conditions named in this part shall be disposed of according to the section pertaining to the disease or condition. Owing to the fact that it is impracticable to formulate rules covering every case and to designate at just what stage a process becomes loathsome or a disease noxious, the decision as to the disposal of all carcasses, parts, or organs not specifically covered in Parts 1 through 29 of this subchapter shall be left to the inspector in charge.

(b) In cases of doubt as to a condition, a disease, or the cause of a condition, or to confirm a diagnosis, representative specimens of the affected tissues properly prepared and packaged should be sent for examination to one of the laboratories of the Biological Control Section of the Division.

§ 11.2 Tuberculosis; principles for guidance in passing on carcasses affected. The following principles are declared for guidance in passing on carcasses affected with tuberculosis:

(a) No meat should be passed for food if it contains tubercle bacilli, or if there is a reasonable possibility that it may contain tubercle bacilli, or if it is impregnated with toxic substance of tuberculosis or associated septic infections.

(b) Meat should not be destroyed if the lesions are localized and not numerous, if there is no evidence of distribution of tubercle bacilli through the blood or by other means to the muscles or to parts that may be eaten with the muscles, and if the animal is well nourished and in good condition, since in this case there is no proof, or even reason to suspect, that the flesh is unwholesome.

(c) Evidences of generalized tuberculosis are to be sought in such distribution and number of tuberculous lesions as can be explained only upon the supposition of the entrance of tubercle bacilli in considerable number into the systemic circulation. Significant of such generalization is the presence of numerous uniformly distributed tubercles throughout both lungs, also tubercles in the spleen, kidneys, bones, joints, and sexual glands, and in the lymph glands connected with these organs and parts, or in the splenic, renal, precapular, popliteal, and inguinal glands, when several of these organs and parts are coincidentally affected.

(d) Localized tuberculosis is tuberculosis limited to a single or several parts or organs of the body without evidence of recent invasion of numerous bacilli into the systemic circulation.

§ 11.3 *Disposition when affected with tuberculosis.* The carcasses of animals affected with tuberculosis shall be disposed of as follows:

(a) The entire carcass shall be condemned if any of the following conditions occur:

(1) When it was observed before the animal was killed that it was suffering with fever.

(2) When there is a tuberculous or other cachexia.

(3) When the lesions of tuberculosis are generalized, as shown by their presence not only at the usual seats of primary infection but also in parts of the carcass or in the organs that may be reached by the bacilli of tuberculosis only when they are carried in the systemic circulation. Tuberculous lesions in any two of the following-mentioned organs are to be accepted as evidence of generalization when they occur in addition to local tuberculous lesions in the digestive or respiratory tracts, including the lymph glands connected therewith: spleen, kidney, uterus, udder, ovary, testicle, adrenal gland, and brain or spinal cord or their membranes. Numerous tubercles uniformly distributed throughout both lungs also afford evidence of generalization.

(4) When the lesions of tuberculosis are found in the muscles or intermuscular tissue or bones or joints, or in the body lymph glands as a result of draining the muscles, bones, or joints.

(5) When the lesions are extensive in one or both body cavities.

(6) When the lesions are multiple, acute, and actively progressive. (Evidence of active progress consists of signs of acute inflammation about the lesions, or liquefaction necrosis, or the presence of young tubercles.)

(b) An organ or a part of a carcass shall be condemned under any of the following conditions:

(1) When it contains lesions of tuberculosis.

(2) When the lesion is localized but immediately adjacent to the flesh as in the case of tuberculosis of the parietal pleura or peritoneum. In this case not only the membrane or part affected but also the adjacent thoracic or abdominal wall is to be condemned.

(3) When it has been contaminated by tuberculous material through contact with the floor or a soiled knife or otherwise.

(4) Heads showing lesions of tuberculosis shall be condemned, except that when a head is from a carcass passed for food or for cooking and the lesions are slight, or calcified, or encapsulated, and are confined to lymph glands in which not more than two glands are involved, the head may be passed for cooking after the diseased tissues have been removed and condemned.

(5) An organ shall be condemned when the corresponding lymph gland is tuberculous.

(6) Intestines and mesenteries showing lesions of tuberculosis shall be condemned, except that when the lesions are slight and confined to the lymph glands and the carcass is passed without restriction, the intestines may be passed for use as casings and the fat passed for rendering after the corresponding lymph glands have been removed and condemned: *Provided*, That the fat and intestines have not been contaminated with tuberculous material.

(c) Carcasses showing lesions of tuberculosis should be passed for food when the lesions are slight, localized, and calcified or encapsulated, or are limited to a single or several parts or organs of the body (except as noted in paragraph (a) of this section), and there is no evidence of recent invasion of tubercle bacilli into the systemic circulation. Under this paragraph carcasses showing such lesions as the following examples may be passed, after the parts containing the lesions are removed and condemned in accordance with paragraph (b) of this section:

(1) In the cervical lymph glands and two groups of visceral lymph glands in a single body cavity, such as the cervical, bronchial, and mediastinal glands, or the cervical, hepatic, and mesenteric glands.

(2) In the cervical lymph glands and one group of visceral lymph glands and one organ in a single body cavity, such as the cervical and bronchial glands and lungs, or the cervical and hepatic glands and the liver.

(3) In two groups of visceral lymph glands and one organ in a single body cavity, such as the bronchial and mediastinal glands and the lungs, or the hepatic and mesenteric glands and the liver.

(4) In two groups of visceral lymph glands in the thoracic cavity and one group in the abdominal cavity, or in one group of visceral lymph glands in the thoracic cavity and two groups in the abdominal cavity, such as the bronchial, mediastinal, and hepatic glands, or the bronchial, hepatic, and mesenteric glands.

(5) In the cervical lymph glands and one group of visceral lymph glands in each body cavity, such as the cervical, bronchial, and hepatic glands.

(6) In the cervical lymph glands and one group of visceral lymph glands in each body cavity, together with the liver when the latter contains but few localized foci. In this class of carcasses, which will be chiefly those of hogs, the lesions of the liver are considered to be primary, as the disease is practically always of alimentary origin.

(d) Carcasses which reveal lesions more severe or more numerous than those described for carcasses to be passed (paragraph (c) of this section), but not so severe nor so numerous as the lesions described for carcasses to be condemned (paragraph (a) of this section), may be rendered into lard, rendered pork fat, or tallow, or otherwise cooked in accordance with Part 15 of this subchapter, if the distribution of the lesions is such that all parts containing tuberculous lesions can be removed.

§ 11.4 *Hog cholera; disposition of hog carcasses on account of.* (a) The carcasses of all hogs affected with acute hog cholera shall be condemned.

(b) Inconclusive but suspicious symptoms of hog cholera observed during the ante mortem inspection shall be duly considered in connection with post mortem findings and when the carcass of such a "suspect" shows lesions in the kidneys and the lymph glands which resemble lesions of hog cholera, they shall be regarded as those of hog cholera and the carcass shall be condemned.

(c) Inasmuch as lesions resembling lesions of hog cholera occur in the kidneys and lymph glands of hogs not affected with hog cholera, carcasses of hogs in the kidneys or lymph glands of which appear any lesions resembling lesions of hog cholera shall be carefully further inspected for corroborative lesions. If on such further inspection the carcass shows such lesions in the kidneys or in the lymph glands or in both, accompanied by characteristic lesions in some organ or tissue, then all lesions shall be regarded as those of hog cholera and the carcass shall be condemned.

§ 11.5 *Carcasses of swine infected with hog cholera virus.* (a) Carcasses of swine, other than hyperimmune swine, if presented for inspection after 28 days following injection with hog cholera virus shall be given post-mortem inspection in conformity with this part without reference to the injected virus.

(b) Carcasses of hyperimmune swine if presented for inspection after 10 days following hyperimmunization shall be given post-mortem inspection in conformity with this part without reference to the injected virus.

§ 11.6 *Swine erysipelas.* Carcasses affected with swine erysipelas which is acute or generalized, or which show systemic change, shall be condemned.

§ 11.7 *Diamond-skin disease.* Carcasses of hogs affected with diamond-skin disease when localized and not associated with systemic change may be passed for food after removal and condemnation of the affected parts, provided such carcasses are otherwise in good condition.

§ 11.8 *Arthritis and polyarthritis.* (a) Carcasses affected with arthritis or polyarthritis when localized and not associated with systemic change may be passed for food after removal and condemnation of all affected parts, provided the carcasses are otherwise in good condition. Affected joints with corresponding lymph glands shall be removed and condemned. In order to avoid contamination of the meat which is passed a joint capsule shall not be opened until after the affected joint is removed.

(b) Carcasses affected with arthritis or polyarthritis characterized by the presence of periarticular abscesses which may or may not be connected with similar suppurative foci within the epiphyses of the bones shall be condemned in cases manifesting suppurative lesions in more than one joint. Otherwise, the condemnations shall be restricted to the affected

parts if such carcasses are otherwise in good condition.

§ 11.9 *Cattle carcasses affected with anasarca or generalized edema.* (a) Carcasses of cattle found on post-mortem inspection to be affected with anasarca in advanced stages and characterized by an extensive or well-marked generalized edema shall be condemned.

(b) Carcasses of cattle, including their detached parts and organs, found on post-mortem inspection to be affected with anasarca to a lesser extent than in paragraph (a) of this section may be passed for food after removal and condemnation of the affected tissues, provided the lesion is localized.

§ 11.10 *Actinomycosis and actinobacillosis; disposition of carcasses and parts.* (a) The definition of generalization as outlined for tuberculosis in § 11.3 (a) shall apply for actinomycosis and actinobacillosis, and carcasses of animals so affected shall be condemned.

(b) Carcasses of animals in a well-nourished condition showing uncomplicated localized lesions of actinomycosis or actinobacillosis may be passed after the infected organs or parts have been removed and condemned, except as provided in paragraphs (c) and (d) of this section.

(c) Heads affected with actinomycosis or actinobacillosis, including the tongue, shall be condemned, except that when the disease of the jaw is slight, strictly localized, and without suppuration, fistulous tracts, or lymph gland involvement, the tongue, if free from disease, may be passed, or, when the disease is slight and confined to the lymph glands, the head, including the tongue, may be passed after the affected glands have been removed and condemned.

(d) When the disease is slight and confined to the tongue, with or without involvement of the corresponding lymph glands, the head may be passed after removal and condemnation of the tongue and corresponding lymph glands.

§ 11.11 *Anthrax, bacillary hemoglobinuria in cattle, blackleg, hemorrhagic septicemia, icterohematuria in sheep, malignant epizootic catarrh, piroplasmiasis, pyemia, septicemia, unhealed vaccine lesions; carcasses affected with, to be condemned.* Carcasses of animals affected with or showing lesions of any of the following named diseases or conditions shall be condemned:

- (a) Anthrax.
- (b) Bacillary hemoglobinuria in cattle.
- (c) Blackleg.
- (d) Hemorrhagic septicemia.
- (e) Icterohematuria in sheep.
- (f) Malignant epizootic catarrh.
- (g) Piroplasmiasis.
- (h) Pyemia.
- (i) Septicemia.
- (j) Unhealed vaccine lesions (vaccinia).

§ 11.12 *Malignant neoplasms; disposition of organs, parts, or carcasses.* Any individual organ or part of a carcass affected with a malignant neoplasm shall be condemned. In case the malignant neoplasm involves any internal organ to a marked extent, or affects the muscles, skeleton, or body lymph glands, even primarily, the carcass shall be condemned, except as provided in § 11.13. In case

of metastasis to any other organ or part of a carcass, or if metastasis has not occurred but there are present secondary changes in the muscles (serous infiltration, flabbiness, or the like), the carcass shall be condemned. Carcasses of cattle affected with epithelioma of the eye shall be disposed of according to § 11.13.

§ 11.13 *Epithelioma of the eye of cattle.* (a) Carcasses of animals affected with epithelioma of the eye, of the orbital region, and/or of the corresponding parotid lymph gland shall be condemned in their entirety if one of the following three conditions exists:

(1) The affection has involved the osseous structures of the head with extensive infection, suppuration, and necrosis;

(2) There is metastasis from the eye, the orbital region, and/or the corresponding parotid lymph gland to other lymph glands, internal organs, muscles, skeleton, or other structures, regardless of the extent of the primary tumor; or

(3) The affection, regardless of extent, is associated with cachexia or evidence of absorption or secondary changes.

(b) Carcasses of animals affected with epithelioma of the eye, of the orbital region, and/or of the corresponding parotid lymph gland to a lesser extent than in paragraph (a) of this section may be passed for food after removal and condemnation of the head, including the tongue, provided the carcass is otherwise in good condition.

§ 11.14 *Carcasses showing disease such as generalized melanosis, etc., affecting the system to be condemned.* Carcasses of animals showing any disease such as generalized melanosis, leukemia, pseudo-leukemia, lymphoma, and the like, which affects the system of the animal, shall be condemned.

§ 11.15 *Abrasions, bruises, tumors, abscesses, pus, etc.; disposition of carcasses and parts.* All slight, well-limited abrasions on the tongue and inner surface of the lips and mouth, when without lymph-gland involvement, shall be carefully excised, leaving only sound, normal tissue, which may be passed. Any organ or part of a carcass which is badly bruised or which is affected by a tumor, an abscess, or a suppurating sore, shall be condemned; and when the lesions are of such character or extent as to affect the whole carcass, the whole carcass shall be condemned. Parts of carcasses which are contaminated by pus shall be condemned.

§ 11.16 *Brucellosis.* Carcasses affected with localized lesions of brucellosis may be passed for food after the affected parts are removed and condemned.

§ 11.17 *Carcasses so infected that consumption of the meat may cause food poisoning shall be condemned.* (a) All carcasses of animals so infected that consumption of the products thereof may give rise to food poisoning shall be condemned. This includes all carcasses showing signs of:

(1) Acute inflammation of the lungs, pleura, pericardium, peritoneum, or meninges.

(2) Septicemia or pyemia, whether puerperal, traumatic, or without any evident cause.

(3) Gangrenous or severe hemorrhagic enteritis or gastritis.

(4) Acute diffuse metritis or mastitis.

(5) Phlebitis of the umbilical veins.

(6) Septic or purulent traumatic pericarditis.

(7) Any acute inflammation, abscess, or suppurating sore, if associated with acute nephritis, fatty and degenerated liver, swollen soft spleen, marked pulmonary hyperemia, general swelling of lymph glands, diffuse redness of the skin, cachexia, icteric discoloration of the carcass, or the like, either singly or in combination.

(b) Implements contaminated by contact with carcasses affected with any of the diseased conditions mentioned in this section shall be thoroughly cleaned and disinfected as prescribed elsewhere in Parts 1 through 29 of this subchapter. The equipment used in the dressing of such carcasses, such as viscera trucks, inspection tables, and the like, shall be disinfected with hot water having a minimum temperature of 180° F. Carcasses or parts of carcasses contaminated by contact with such diseased carcasses shall be condemned unless all contaminated tissues are removed within two hours.

§ 11.18 *Necrobacillosis, pyemia, septicemia; disposition of carcasses.* From the standpoint of meat inspection, necrobacillosis may be regarded as a local affection at the beginning, and carcasses in which the lesions are so localized may be passed for food if in a good state of nutrition, after removing and condemning those portions affected with necrotic lesions. On the other hand, when emaciation, cloudy swelling of the glandular organs, or enlargement and discoloration of the lymph glands are associated with the affection, it is evident that the disease has progressed beyond the condition of localization to a state of toxemia, and the entire carcass should therefore be condemned as both innutritious and noxious. Pyemia or septicemia may intervene as a complication of the local necrosis, and when present the carcass shall be condemned in accordance with § 11.17.

§ 11.19 *Caseous lymphadenitis; disposition of carcasses and parts.* (a) A thin carcass showing well-marked lesions in the viscera and the skeletal lymph glands, or such a carcass showing extensive lesions in any part shall be condemned.

(b) A thin carcass showing well-marked lesions in the viscera with only slight lesions elsewhere or showing well-marked lesions in the skeletal lymph glands with only slight lesions elsewhere may be passed for cooking.

(c) A thin carcass showing only slight lesions in the skeletal lymph glands and in the viscera may be passed without restriction.

(d) A well-nourished carcass showing well-marked lesions in the viscera and with only slight lesions elsewhere or showing well-marked lesions confined to the skeletal lymph glands with only

slight lesions elsewhere may be passed without restriction.

(e) A well-nourished carcass showing well-marked lesions in the viscera and the skeletal lymph glands may be passed for cooking; but where the lesions in a well-nourished carcass are both numerous and extensive, it shall be condemned.

(f) All affected organs and glands of carcasses passed without restriction or passed for cooking shall be removed and condemned. The term "thin" as used in this section shall not be held applicable to a carcass which is anemic or emaciated.

§ 11.20 *Icterus; disposition of carcasses.* Carcasses showing any degree of icterus with a parenchymatous degeneration of organs, the result of infection or intoxication, and those which show an intense yellow or greenish-yellow discoloration without evidence of infection or intoxication, shall be condemned. Carcasses affected with icteric-like discoloration, the result of conditions other than those before stated in this section, but which lose such discoloration on chilling, shall be passed for food, while those which do not so lose such discoloration may be passed for cooking. No carcass retained under this section may be passed for food unless the final inspection thereof is completed under natural light. Carcasses passed for cooking under this section shall not be processed other than by rendering.

§ 11.21 *Urine or sexual odor; disposition of carcasses.* Carcasses which give off the odor of urine or a sexual odor shall be condemned. When the final inspection of such carcasses is deferred until they have been chilled, the disposal shall be determined by the heating test.

§ 11.22 *Mange or scab; disposition of carcasses.* Carcasses of animals affected with mange or scab in advanced stages, showing cachexia or extensive inflammation of the flesh, shall be condemned. When the disease is slight, the carcass may be passed after removal of the affected portion.

§ 11.23 *Hogs affected with urticaria, tinea tonsurans, demodex folliculorum or erythema; disposition of carcasses.* Carcasses of hogs affected with urticaria (nettle rash), tinea tonsurans, demodex folliculorum, or erythema may be passed after detaching and condemning the affected skin, if the carcass is otherwise fit for food.

§ 11.24 *Tapeworm cysts (cysticercus bovis); methods of inspecting for; carcasses and parts of cattle infested with; disposition of carcasses and parts; conditions under which refrigeration permitted; calves excepted—*(a) Head. Prior to inspection the tongue shall be detached sufficiently from the head bones, by an employee of the establishment, to allow a proper inspection to be made of the internal muscles of mastication. These muscles shall be inspected after incising them in such manner as to split the muscles in a plane parallel with the lower jawbone. The masseter muscles also shall be incised, splitting the entire external layer between the outer and intermediate fasciae.

(b) Heart. The preparation and inspection of hearts shall conform to one of the following methods:

(1) The surface of the heart shall be examined, and a longitudinal incision made extending from base to apex through the wall of the left ventricle and the interventricular septum, after which the cut surfaces and the inner surfaces of the ventricles shall be examined.

(2) After the external surface of the heart has been inspected the organ shall be prepared for further inspection by an establishment employee severing its attachments and cutting through the interventricular septum and such other tissues as will permit him to evert the organ completely. The inspector shall then examine the interior surfaces and make not more than four deep, lengthwise incisions into the muscles of the septum and left ventricular wall, unless the presence of cysts is suspected, when more incisions shall be made. Under this method care shall be taken not to cut completely through the walls of hearts to be passed without restriction. If necessary to maintain the identity of hearts, the establishment shall provide consecutively numbered tags and appropriately mark the carcasses and hearts.

(c) Final inspection of retained carcasses: The external and internal muscles of mastication, the heart, and the muscular portion of the diaphragm including its pillars, should be carefully and thoroughly sliced to insure the finding of all cysts. Prior to the inspection of the diaphragm its peritoneum shall be removed. The tongue shall be carefully inspected by palpation, and if the presence of cysts in the muscles of this organ is suspected, the tongue shall be thoroughly sliced and all parts closely examined for cysts. In addition to the foregoing, the muscles of the oesophagus, the exposed muscles, and cut muscular surfaces of the split carcass shall be examined. Incisions may be made to expose additional surfaces for examination, but unnecessary mutilation of carcasses which may be passed shall be avoided.

(d) Carcasses of cattle (including the viscera) infested with tapeworm cysts known as cysticercus bovis shall be condemned if the infestation is excessive or if the meat is watery or discolored. Carcasses shall be considered excessively infested if incisions in various parts of the musculature expose on most of the cut surfaces two or more cysts within an area the size of the palm of the hand.

(e) A carcass in which infestation with cysticercus bovis is limited to one dead and degenerated cyst may be passed for food after removal and condemnation of the cyst.

(f) Carcasses of cattle showing a slight or moderate infestation other than that indicated in paragraph (e) of this section but not so extensive as indicated in paragraph (d) of this section, as determined by a careful examination of the heart, muscles of mastication, diaphragm and its pillars, tongue, and of portions of the carcass rendered visible by the process of dressing, may be passed for food after removal and condemnation of the cysts, with the surrounding tissues: *Provided*, That the carcasses and parts, appropriately identified by retained

tags, are held in cold storage at a temperature not higher than 15° F. continuously for a period of not less than 10 days: *And provided further*, That the boned meat from such carcasses when in boxes, tierces, or like containers, appropriately identified by retained tags, is held at a temperature of not higher than 15° F. continuously for a period of not less than 20 days. As an alternative to retention in cold storage as herein provided, such carcasses and parts may be heated throughout to a temperature of at least 140° F.

(g) The edible viscera, (except the lungs, fat, muscles of the oesophagus, and heart, which shall take the same disposition as the carcasses), of carcasses passed for food or for refrigeration under the provisions of paragraph (f) of this section may be passed for food without refrigerating or heating, provided they are found to be free from infestation upon final inspection. The intestines, weasands, and bladders from beef carcasses affected with cysticercus bovis, which have been passed for food or for refrigeration, may be used for casings after they have been subjected to the usual methods of preparation and may be passed for such purpose upon completion of the final inspection.

(h) The inspection for cysticercus bovis may be omitted in the case of calves under 6 weeks old. The routine inspection of calves over 6 weeks old for cysticercus bovis may be limited to a careful examination of the surface of the heart and such other surfaces as are rendered visible by the process of dressing.

§ 11.25 *Hogs affected with tapeworm cysts (cysticercus cellulosae); disposition.* Carcasses of hogs affected with tapeworm cysts (cysticercus cellulosae) may be passed for cooking, but if the infestation is excessive the carcass shall be condemned.

§ 11.26 *Disposition of carcasses, organs, and parts showing evidence of infestation with parasites not transmissible to man; sheep carcasses affected with tapeworm cysts; carcasses infested with giar bladder worms; organs and parts infested with hydatid cysts; livers infested with flukes.* (a) In the disposal of carcasses, edible organs, and parts of carcasses showing evidence of infestation with parasites not transmissible to man, the following general rules shall govern: If the lesions are localized in such manner and are of such character that the parasites and the lesions caused by them may be radically removed, the nonaffected portion of the carcass, organ, or part of the carcass may be passed for food after the removal and condemnation of the affected portions. If an organ or a part of a carcass shows numerous lesions caused by parasites, or if the character of the infestation is such that complete extirpation of the parasites and lesions is difficult and uncertainly accomplished, or if the parasitic infestation or invasion renders the organ or part in any way unfit for food, the affected organ or part shall be condemned. If parasites are found to be distributed in a carcass in such a manner or to be of such a character that their removal and the removal of the lesions caused by them is

impracticable, no part of the carcass shall be passed for food. If the infestation is excessive the carcass shall be condemned. If the infestation is moderate the carcass may be passed for cooking, but in case such carcass is not cooked as required by Part 15 of this subchapter it shall be condemned.

(b) In the case of sheep carcasses affected with tapeworm cysts located in the muscles (*cysticercus ovis*, so-called sheep measles, not transmissible to man), the carcass may be passed after the removal and condemnation of the affected portions: *Provided, however*, That if upon the final inspection of sheep carcasses retained on account of measles the total number of cysts found embedded in muscle or in immediate relation with muscular tissue, including the heart, exceeds five, this shall be taken to indicate that the cysts are so generally distributed and so numerous that their removal would be impracticable, and the entire carcass shall be condemned or passed for cooking, according to the degree of infestation. If not to exceed five cysts are found upon final inspection, the carcass may be passed after the removal and condemnation of the affected portions.

(c) Carcasses of animals found infested with gid bladder worms (*coenurus cerebralis*, *multiceps multiceps*) may be passed after condemnation of the affected organ (brain or spinal cord).

(d) Organs or parts of carcasses infested with hydatid cysts (*echinococcus*) shall be condemned.

(e) Livers infested with flukes or fringed tapeworms shall be condemned.

§ 11.27 *Emaciated or anemic carcasses and those showing slimy fat degeneration or serous muscular infiltration.* Carcasses of animals too emaciated or anemic to produce wholesome meat, and carcasses which show a slimy degeneration of the fat or a serous infiltration of the muscles, shall be condemned. Mere leanness should not be classed as emaciation.

§ 11.28 *Carcasses showing advanced pregnancy, etc.; disposition.* Carcasses of animals in advanced stages of pregnancy (showing signs of parturition), also carcasses of animals which have within 10 days given birth to young and in which there is no evidence of septic infection, may be passed for cooking and handled as provided in Part 15 of this subchapter; otherwise, they shall be condemned.

§ 11.29 *Slaughter of injured animals at unusual hours.* When it is necessary for humane reasons to slaughter an injured animal at night or on Sunday or a holiday when the inspector cannot be obtained, the carcass and all parts shall be kept for inspection, with the head and all viscera except the stomach, bladder, and intestines held by the natural attachments. If all parts are not so kept for inspection, the carcass shall be condemned. If on inspection of a carcass slaughtered in the absence of an inspector any lesion or condition is found indicating that the animal was sick or diseased, or if there is lacking evidence of the condition which rendered emergency

slaughter necessary, the carcass shall be condemned.

§ 11.30 *Carcasses of young calves, pigs, kids, and lambs; when condemned.* Carcasses of young calves, pigs, kids, and lambs are unwholesome and shall be condemned if (a) the meat has the appearance of being water-soaked, is loose, flabby, tears easily, and can be perforated with the fingers; or (b) its color is grayish red; or (c) good muscular development as a whole is lacking, especially noticeable on the upper shank of the leg, where small amounts of serous infiltrates or small edematous patches are sometimes present between the muscles; or (d) the tissue which later develops as the fat capsule of the kidneys is edematous, dirty yellow, or grayish-red, tough, and intermixed with islands of fat.

§ 11.31 *Unborn and stillborn animals.* All unborn and stillborn animals shall be condemned and no hide or skin thereof shall be removed from the carcass within a room in which edible products are handled.

§ 11.32 *Condemnation of animals suffocated and hogs scalded alive.* All animals which have been suffocated in any way and hogs which have entered the scalding vat alive shall be condemned.

§ 11.33 *Livers affected with carotenosis; livers designated as "telangiectatic", "sawdust", or "spotted"; disposal.* (a) Livers affected with carotenosis shall be condemned.

(b) Cattle livers and calf livers showing the conditions sometimes designated as "telangiectatic", "sawdust", or "spotted" shall be disposed of as follows:

(1) When any or all of the conditions are extensive and involve one-half or more of an organ, the whole organ shall be condemned.

(2) When any or all of the conditions are slight in an organ, the whole organ shall be passed without restriction.

(3) When any or all of the conditions involve the whole organ, and are less severe than extensive, but more severe than slight, the whole organ shall be cooked.

(4) When any or all of the conditions are less severe than extensive, but more severe than slight in a portion of an organ, while in the remainder of the organ the conditions are slight the remainder shall be passed without restriction and the other portion shall be cooked.

(5) When any or all of the conditions are extensive and involve less than one-half of the organ, while in the remainder of the organ the conditions are slight, the remainder shall be passed without restriction and the other portion shall be condemned.

(6) When any or all of the conditions are extensive and involve less than one-half of the organ, while in any or all of the remainder of the organ the conditions are more severe than slight yet less severe than extensive, all of the remainder shall be cooked and the extensively involved portion shall be condemned.

(7) The division of an organ into but two parts as contemplated in this paragraph for disposition, shall be accomplished by one cut through the organ. This, of course, does not prohibit incisions which are necessary for inspection.

(c) Livers and parts of livers which are required to be cooked shall be held and cooked in the establishment where produced. They shall be cooked sufficiently to impart a cooked appearance throughout the liver. After cooking, the liver may be released for any purpose.

§ 11.34 *Vesicular exanthema and vesicular stomatitis.* (a) any carcass affected with vesicular exanthema or vesicular stomatitis shall be condemned if the condition is acute or if the extent of the condition is such that it affects the entire carcass or there is evidence of absorption or secondary change.

(b) Any carcass affected with vesicular exanthema or vesicular stomatitis to a lesser extent than in paragraph (a) of this section may be passed after removal and condemnation of affected parts, if the carcass is otherwise in good condition.

§ 11.35 *Anaplasmosis.* (a) Carcasses of cattle and calves found on post-mortem inspection to be affected with anaplasmosis shall be condemned.

(b) Carcasses of cattle and calves which are classed as recovered cases of anaplasmosis evidenced by the absence of abnormal symptoms on ante-mortem inspection but which show slight yellow coloration of tissues on post-mortem examination shall be passed for food provided the yellow coloration disappears on chilling. Those carcasses which do not lose such yellow coloration on chilling shall be condemned.

§ 11.36 *Listerellosis.* Carcasses of animals marked "U. S. suspect" because of a history of listerellosis shall be passed for food after condemnation of the head if the carcass is otherwise in good condition.

§ 11.37 *Leptospirosis.* (a) Carcasses of animals affected with leptospirosis shall be condemned.

(b) Carcasses of animals which have reacted to a test for leptospirosis and have been marked "U. S. suspect" on ante-mortem inspection shall be passed for food when no evidence of the disease is found on post-mortem examination provided the carcasses are otherwise in good condition.

PART 12—CARCASSES OF ANIMALS SLAUGHTERED WITHOUT ANTE-MORTEM INSPECTION

§ 12.1 *Carcasses of animals slaughtered without ante-mortem inspection.* No carcass of an animal slaughtered in the United States which has not had ante-mortem inspection by a Division employee shall be brought into an official establishment, except that carcasses of cattle, sheep, swine, and goats, slaughtered by a farmer on the farm, to which the head and all viscera other than the stomach, bladder, and intestines, are held by the natural attachments, may be received for inspection at official establishments where there is a

veterinary meat inspector, upon the conditions prescribed in this section. After receipt in an official establishment, every such carcass shall be given a thorough post-mortem inspection. If on inspection of any such carcass, there is found any lesion or condition indicating that the animal was sick or diseased, the carcass shall be condemned and disposed of in accordance with Part 14 of this subchapter. If on inspection the carcass is found to be free from disease and otherwise found healthful, wholesome, and fit for human food, it shall be marked with the inspection legend.

(34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89)

PART 13—TANK ROOMS AND TANKS

- Sec.
- 13.1 Tanks, rooms, and equipment used for inedible products to be separate and apart from those used for edible products.
- 13.2 Suppression of odors in preparing inedible products.
- 13.3 Carcasses of animals condemned on ante-mortem inspection not to pass through compartments for edible products.
- 13.4 Dead animal carcasses.
- 13.5 Inedible fats from outside of establishments.

AUTHORITY: §§ 13.1 to 13.5 issued under 34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89.

§ 13.1 *Tanks, rooms, and equipment used for inedible products to be separate and apart from those used for edible products.* All tanks and equipment used for rendering, preparing or storing inedible products shall be in rooms or compartments separate from those used for rendering, preparing or storing edible products. There shall be no connection between rooms or compartments containing inedible products and those containing edible products, except that there may be one connecting doorway between the slaughtering or viscera separating department and the tank charging room of the inedible products rendering department. Pipes and chutes installed in accordance with the requirements of the Director of Division may be used to convey inedible and condemned material from edible product departments to inedible product departments.

§ 13.2 *Suppression of odors in preparing inedible product.* Tanks, fertilizer driers, and other equipment used in the preparation of inedible product shall be properly equipped with condensers and other appliances which will acceptably suppress odors incident to such preparation.

§ 13.3 *Carcasses of animals condemned on ante-mortem inspection not to pass through compartments for edible products.* In conveying to the inedible product tank carcasses of animals which have been condemned on ante-mortem inspection, they shall not be taken through rooms or compartments in which product is prepared, handled, or stored.

§ 13.4 *Dead animal carcasses.* (a) With the exception of dead animals which have died en route and are received with animals for slaughter at an

establishment, no dead animal may be brought on the premises of an establishment unless advance permission therefor is obtained from the Director of Division.

(b) Under no circumstances shall the carcass of any animal which has died otherwise than by slaughter be brought into any room or compartment in which any product is prepared, handled or stored.

§ 13.5 *Inedible fats from outside of establishments.* Inedible fats from outside the premises of an official establishment shall not be received except into the tank room provided for inedible products, and then only when their receipt into the tank room produces no insanitary condition on the premises, nor shall such fats be received in such volume as interferes with prompt disposal of inedible or condemned material produced at the establishment. When received, they shall not enter any room or compartment used for edible products.

PART 14—TANKING AND DENATURING CONDEMNED CARCASSES AND PARTS

- Sec.
- 14.1 Condemned carcasses and product; disposing of, by tanking; sealing of tanks; denaturing of product.
- 14.2 Inedible rendered fats.
- 14.4 Disposition of condemned meat or product at official establishments having no tanking facilities.
- 14.5 Specimens for educational, research, and other purposes; permits for, required.
- 14.6 Livers condemned because of parasitic infestation and for other causes; conditions under which may be disposed of as fish feed.

AUTHORITY: §§ 14.1 to 14.6 issued under 34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89.

§ 14.1 *Condemned carcasses and product; disposing of, by tanking; sealing of tanks; denaturing of product.* (a) Condemned carcasses and product at official establishments having facilities for tanking shall be disposed of by tanking as follows:

(1) The lower opening of the tank shall first be sealed securely by a Meat Inspection employee, except when permanently connected with a blow line, then the condemned carcasses and product shall be placed in the tank in his presence, after which the upper opening shall also be sealed securely by such employee, who shall then see that the contents of the tank are subjected to sufficient heating for sufficient time to effectively destroy the contents for food purposes.

(2) The use of equipment such as crushers or hashers for pre-tanking preparation of condemned carcasses and product in the inedible products department has been found to give inedible character and appearance to the material. Accordingly, if condemned carcasses and product are so crushed or hashed, conveying systems, rendering tanks, and other equipment used in the further handling of the crushed or hashed material need not be locked or sealed during the tanking operation. If the rendering tanks or other equipment contain condemned material not so

crushed or hashed, the equipment shall be sealed as prescribed in subparagraph (1) of this paragraph. If the crushed or hashed material is not rendered in the establishment where produced it shall be denatured as provided for in § 14.4.

(b) The seals of tanks shall be broken only by a Division employee after the contents of the tanks have been treated as provided in paragraph (a) of this section. The rendered fat derived from condemned material shall be held until a Division employee shall have had an opportunity to determine whether it conforms with the requirements of this section. Samples shall be taken by Division employees as often as is necessary to determine whether the rendered fat is effectually denatured.

§ 14.2 *Inedible rendered fats.* Rendered animal fat derived from inedible or condemned materials and possessing the physical characteristics of color, odor, and taste of an edible product shall be denatured to effectually distinguish it from an edible product either with low grade offal during the rendering or by adding to, and mixing thoroughly with, such fat denaturing oil, number 2 fuel oil, or kerosene dissolved in a mixture of alcohol and pine oil or oil of rosemary.

§ 14.4 *Disposition of condemned meat or product at official establishments having no tanking facilities.* (a) Any carcass or product condemned at an official establishment which has no facilities for tanking shall be denatured with crude carbolic acid, cresylic disinfectant, or other prescribed agent, or be destroyed by incineration, under the supervision of a Meat Inspection employee. When such carcass or product is not incinerated it shall be slashed freely with a knife, before the denaturing agent is applied.

(b) Carcasses and products condemned on account of anthrax, and the materials identified in § 10.9 of this subchapter which are derived therefrom at establishments which are not equipped with tanking facilities shall be disposed of by (1) complete incineration, or (2) by thorough denaturing with a prescribed denaturant, and then disposed of in accordance with the requirements of the particular State or municipal authorities, who shall be notified immediately by the inspector in charge.

§ 14.5 *Specimens for educational, research, and other purposes; permits for, required.* (a) Specimens of diseased, condemned, and inedible materials, including pig or lamb embryos and specimens of animal parasites, may be released for educational purposes by the inspector in charge: *Provided*, That the party desiring such specimens makes a written application for same, stating the use to be made of them; and *Provided further*, That the applicant arranges with and receives permission from the official establishment to obtain the specimens. If the application is satisfactory to the inspector in charge, he shall issue a permit authorizing the removal of the specimens. Such permits shall be numbered and issued for not beyond the then current calendar year.

(b) Specimens of diseased, condemned, and inedible materials, including pig or lamb embryos and specimens of animal parasites, may be released for research and other purposes when authorized by the Director of Division: *Provided*, That the applicant for such specimens shall have arranged with and received permission from the official establishment to obtain them. The application to the Division for the release of such material for research purposes should include the following information: (1) The name of the organization or individual conducting the research, (2) the name of the official establishment from which the material is to be obtained, and (3) the kind and amount of material desired. In addition, the application should contain a statement that the material will be used for research purposes only and that the organization or individual conducting the research assumes full responsibility for the results of research involving this material.

(c) The collection and handling of the specimens referred to in paragraphs (a) and (b) of this section shall be at such time and place and in such a manner as not to interfere with the inspection or to cause any objectionable condition.

§ 14.6 Livers condemned because of parasitic infestation and for other causes; conditions under which may be disposed of as fish feed. (a) Livers condemned on account of fluke infestation may be forwarded as fish feed if they are first freely slashed, then denatured, and then frozen. The denaturing shall be accomplished by dipping the slashed livers in a hot solution composed of one part of FD&C Green #3 or Methyl Violet to 5,000 parts of water, followed by washing in fresh water until the washings are no longer colored, or by the application of finely powdered charcoal. Freezing shall be preceded by chilling the livers to a temperature not above 40° F. Livers packed in containers not more than 7 inches thick shall then be held for a period of not less than 10 days at a temperature not higher than 15° F. or for a period of not less than five days at a temperature not higher than 10° F. Livers packed in containers over 7 inches but less than 27 inches thick shall be held not less than 20 days at a temperature not higher than 15° F. or for not less than ten days at a temperature not higher than 10° F. In lieu of freezing, the livers may be thoroughly cooked and then slashed and denatured in the manner indicated above. It is essential that the livers be sufficiently denatured through discoloration by the dye or charcoal to preclude their use as human food. Freezing may be accomplished in the regular freezer in a properly separated compartment or receptacle held under Division lock.

(b) Livers condemned on account of hydatids or fringed tapeworms may not be forwarded as fish feed unless thoroughly cooked, slashed, and denatured as indicated in paragraph (a) of this section.

(c) Livers condemned on account of parasites other than flukes, hydatids, or

fringed tapeworms may be forwarded as fish feed without refrigeration or cooking after slashing and denaturing as indicated in paragraph (a) of this section.

(d) Livers condemned for telangiectasis, angioma, "sawdust" condition, cirrhosis, or other nonmalignant change, benign abscesses, or contamination, when these conditions are not associated with infectious diseases in the carcasses, may be forwarded as fish feed without refrigeration or cooking: *Provided*, All tissue affected with abscesses is removed and destroyed within the establishment: *And provided further*, That all livers are slashed and denatured as indicated in paragraph (a) of this section.

(e) Livers specified in the foregoing paragraphs shall be placed in containers plainly marked "fish feed—inedible", and when shipped in interstate commerce shall be certified as required by § 25.14 of this subchapter.

PART 15—RENDERING CARCASSES AND PARTS INTO LARD, RENDERED PORK FAT, AND TALLOW, AND OTHER COOKING

Sec.

- 15.1 Carcasses and parts passed for cooking; rendering into lard, rendered pork fat, or tallow.
- 15.2 Carcasses and parts passed for cooking not rendered into lard, rendered pork fat or tallow; utilization of, for food purposes after cooking.
- 15.3 Disposal of product passed for cooking if not handled according to this part.

AUTHORITY: §§ 15.1 to 15.3 issued under 34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89.

§ 15.1 Carcasses and parts passed for cooking, rendering into lard, rendered pork fat, or tallow. Carcasses and parts passed for cooking may be rendered into lard or rendered pork fat in accordance with § 17.8 (c) (18) and (20) of this subchapter or rendered into tallow, provided such rendering is done in the following manner:

(1) When closed rendering equipment is used, the lower opening, except when permanently connected with a blow line, shall first be sealed securely by a Division employee, then the carcasses or parts shall be placed in such equipment in his presence, after which the upper opening will be securely sealed by such employee. When the product passed for cooking in the tank does not consist of a carcass or whole primal part, the requirements for sealing shall be at the discretion of the inspector in charge. Such carcasses and parts shall be cooked for a time sufficient to render them effectually into lard, rendered pork fat, or tallow, provided all parts of the product are heated to a temperature not lower than 170° F. for a period of not less than 30 minutes.

(2) Establishments not equipped with closed rendering equipment for rendering carcasses and parts passed for cooking into lard, rendered pork fat, and tallow may render such carcasses or parts in open kettles under the direct supervision of a Division employee. Such rendering shall be done during regular hours of work and in compliance with the requirements as to temperature and

time specified in subparagraph (1) of this paragraph.

§ 15.2 Carcasses and parts passed for cooking not rendered into lard, rendered pork fat or tallow; utilization of, for food purposes after cooking. (a) Carcasses and parts passed for cooking, except as specified in § 11.20 of this subchapter, may be used for the preparation of such products as canned meat, sausage, cooked or boiled meat, meat loaves, and similar products, provided all parts of such carcasses and parts which are so used are heated to a temperature not lower than 170° F. for a period of not less than 30 minutes, either before being used in or during the preparation of the finished product.

(b) When product passed for cooking is used as an ingredient of a meat food product as contemplated in paragraph (a) of this section at least 50 per cent of the meat and meat byproduct ingredient shall consist of product passed for cooking. This requirement shall not apply when the product passed for cooking has been previously cooked as specified in paragraph (a) of this section before being used as an ingredient of a meat food product.

§ 15.3 Disposal of product passed for cooking if not handled according to this part. Product passed for cooking if not handled and processed under the provisions of this part, shall be disposed of in accordance with Part 14 of this subchapter.

PART 16—MARKING, BRANDING, AND IDENTIFYING PRODUCTS

Sec.

- 16.1 Approval of abbreviations of marks of inspection.
- 16.2 Preparation of marking devices bearing inspection legend without advance approval prohibited; exception.
- 16.3 Use of inspection legend prohibited except under supervision of Division employee.
- 16.4 Brands and marking devices to be approved by Director of Division; control of brands, etc.
- 16.5 Articles not to be removed from establishments unless marked in accordance with regulations.
- 16.6 Marks of inspection to be carefully applied.
- 16.7 Branding ink to be furnished by establishment; approval by Division, color.
- 16.8 Control and use of brands and marking devices furnished by Division.
- 16.9 Brands and marking devices not to be false or misleading; style and size of lettering.
- 16.10 Carcasses, primal parts, and products; marking with inspection legend.
- 16.11 Moving and handling of primal parts from one establishment to another.
- 16.12 Handling of products too small to be marked with brand.
- 16.13 Marking of meat food products in casings.
- 16.14 Marking product with the list of ingredients.
- 16.15 Marking of shipping containers; domestic meat label.
- 16.16 Tank cars and tank trucks of edible products.
- 16.17 Transferring inspected and passed product for export.
- 16.18 Denaturing of inedible grease, etc.; marking "inedible".

AUTHORITY: §§ 16.1 to 16.18 issued under 34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 69.

NOTE: Approvals prior to July 1, 1950, of labeling material for imported meats, meat byproducts, and meat food products were cancelled effective April 1, 1957 (22 P. R. 738, Feb. 6, 1957). Any person who proposes to use labeling material, for meats, meat byproducts, or meat food products to be imported into the United States on or after April 1, 1957, which was approved prior to July 1, 1950, and has not since been reapproved, must submit such labeling material to the Director of the Meat Inspection Division for approval under the regulations currently in effect.

§ 16.1 Approval of abbreviations of marks of inspection. The Director of Division may approve and authorize the use of abbreviations of marks of inspection under the regulations in Parts 1 through 29 of this subchapter. Such abbreviations shall have the same force and effect as the respective marks for which they are authorized abbreviations.

§ 16.2 Preparation of marking devices bearing inspection legend without advance approval prohibited; exception. Except for the purpose of submitting a sample or samples of the same to the Director of Division for approval, no person shall procure, make, or prepare, or cause to be procured, made, or prepared, labels, brands, or other marking devices bearing the inspection legend or any abbreviations, copy or representation thereof, for use on any product without the written authority thereof of the Director of Division. However, when any sample label, brand, or other marking device is approved by the Director of Division, net supplies of such labels and new brands and other marking devices of a character exactly similar to such approved sample may be procured, made, or prepared, for use in accordance with the regulations in Parts 1 through 29 of this subchapter, without further approval by the Director of Division.

§ 16.3 Use of inspection legend prohibited except under supervision of Division employee. (a) No person shall affix or place, or cause to be affixed or placed, the inspection legend, or any abbreviation, copy, or representation thereof, to or on any product, or container thereof except under the supervision of a Division employee.

(b) No person shall fill, or cause to be filled, in whole or in part, with any product, any container bearing or intended to bear, the inspection legend, or any abbreviation, copy, or representation thereof, except under the supervision of a Division employee.

§ 16.4 Brands and marking devices to be approved by Director of Division; control of brands, etc. Official establishments shall furnish such ink brands, burning brands, and like devices for marking products as the Director of Division may require. The mark of inspection on such a device shall be in the following form, as a facsimile of one of the official brands, using the size best suited for the purpose intended:



In advance of manufacture, complete and accurate descriptions and designs of the same shall be submitted to and approved by the Director of Division. Every such brand and device which bears the inspection legend shall be delivered into the custody of the inspector in charge of the establishment, and shall be used only under the supervision of a Division employee. When not in use for marking inspected and passed product, all such brands and devices bearing the inspection legend shall be kept locked in properly equipped lockers or compartments, the keys of which shall not leave the possession of a Division employee.

§ 16.5 Articles not to be removed from establishments unless marked in accordance with regulations. No person shall remove or cause to be removed from an official establishment any article which the regulations in Parts 1 through 29 of this subchapter require to be marked in any way unless the same is clearly and legibly marked in compliance with the regulations in Parts 1 through 29 of this subchapter.

§ 16.6 Marks of inspection to be carefully applied. All marks of inspection shall be carefully applied and securely affixed.

§ 16.7 Branding ink to be furnished by establishment; approval by Division, color. (a) Official establishment shall furnish all ink for marking product. Such ink must be made with harmless ingredients that are approved for the purpose by the Division. Samples of ink shall be submitted to the meat inspection laboratory from time to time as may be deemed necessary by the inspector in charge.

(1) Only purple ink approved for the purpose shall be used to apply ink brands bearing the marks of inspection to carcasses and fresh meat cuts derived therefrom.

(2) Ink brands bearing the marks of inspection used for purposes other than in subparagraph (1) of this paragraph may be applied with branding ink of any color and composition that will assure ready legibility and permanence of marking, except as provided in subparagraph (3) of this paragraph. The color of the ink shall provide acceptable contrast with the color of the product to which it is applied.

(3) Product shall not be marked with green ink except that, if desired by the establishment, such ink may be used for holiday markings and designs.

§ 16.8 Control and use of brands and marking devices furnished by Division. All brands and devices furnished by the Division for marking articles with the inspection legend, including self-locking seals, shall be used only under the supervision of a Division employee, and, when not in use for marking, shall be kept locked in properly equipped lockers or compartments, the keys of which shall not leave the possession of a Division employee.

§ 16.9 Brands and marking devices not to be false or misleading; style and size of lettering. No brand or device shall be false or misleading. The letters and figures thereon shall be of such style and type as will make a clear and legible impression.

§ 16.10 Carcasses, primal parts, and products; marking with inspection legend. (a) Each carcass which has been inspected and passed in an official establishment shall be marked at the time of inspection with the inspection legend and with the number of the establishment.

(b) Except as provided otherwise in this part and in Part 25 of this subchapter, each primal part of a carcass, the beef cod fat and beef kidney fat, and each liver, beef tongue, and beef heart which has been inspected and passed shall be marked with the inspection legend and the number of the establishment before it leaves the establishment in which it is first inspected and passed, and each inspected and passed product susceptible of being marked shall be marked with the inspection legend and the number of the establishment where it was last processed: *Provided*, That skinned bacon intended for slicing need not be so marked if packed in properly marked containers. Additional marks of inspection may be applied as desired to meet local conditions.

(c) Beef livers shall be marked with the inspection legend and the establishment number on the convex surface of the thickest portion of the organ.

§ 16.11 Moving and handling of primal parts from one establishment to another. Primal parts of carcasses which have been inspected and passed but do not bear the inspection legend may be transported from one official establishment to another official establishment, for further processing, in a car, truck, or other closed container, if the car, truck, or container be sealed with a Division seal bearing the inspection legend in compliance with the regulations in Parts 1 through 29 of this subchapter.

§ 16.12 Handling of products too small to be marked with brand. Any product of such character or so small that it cannot be marked with a brand, and which has been inspected and passed but does not bear the inspection legend, may be removed from an official establishment for local or interstate transportation in closed containers bearing the inspection legend and such other marks as are required by the regulations in Parts 1 through 29 of this subchapter or in open containers bearing the inspection legend applied by means of a domestic meat label or trade label: *Pro-*

vided, That upon removal from such closed or open containers the product may not be further transported in interstate or foreign commerce unless reinspected by a Division employee and packed under his supervision in a container or containers bearing the inspection legend and such other marks as are required by the regulations in Parts 1 through 29 of this subchapter: *And provided further*, That unmarked product shall not be brought into an official establishment in an open container, except that which is returned to the establishment, and this must be held separate from other product pending removal from the establishment for disposal in intrastate trade only.

§ 16.13 *Marking of meat food products in casings.* (a) Inspected and passed sausage and other products in casings, of the ordinary "ring" variety or larger, shall be marked with the inspection legend and the number of the establishment. Inspected and passed sausage and other products in casings, of the smaller varieties, shall bear one or more inspection marks to each chain or two or more of such marks to each bunch, except in cases where such smaller varieties of sausage and products leave establishments completely enclosed in properly labeled cartons or wrappers, having a capacity of 10 pounds or less and containing a single kind of product: *Provided*, That the mark of inspection need appear only twice throughout the contents of containers, exceeding a capacity of 10 pounds, of sausages of the smaller varieties shipped to another official establishment for further processing, or to a governmental agency. When such products are shipped to another official establishment for further processing, the inspector in charge at the point of origin shall identify the shipment to the inspector in charge at destination.

(b) Meat food products in casings, other than sausage, which possess the characteristics of or resemble sausage, shall bear on each link or piece the word "imitation" prominently displayed: *Provided*, That such products in casings as coppa, capocollo, lachschinken, bacon, pork loins, pork shoulder butts, and similar cuts of meat which are prepared without added substances other than curing materials or condiments, and meat rolls, bockwurst, and similar products in casings which do not contain cereal or vegetables, and headcheese, souse, sulze, scrapple, blood pudding, and liver pudding in casings need not be so marked; other products in casings such as loaves, chili con carne, and meat and cheese products when prepared with sufficient cheese to give definite characteristics to the finished products, may bear on each link or piece the true name of the product in lieu of the word "imitation"; and imitation sausage packed in properly labeled containers having a capacity of 1 pound or less and of a kind usually sold at retail intact, need not bear the word "imitation" on each link

or piece if no other marking or labeling is applied to the product.

(c) When cereal, vegetable starch, starchy vegetable flour, soya flour, dried milk, or non-fat dry milk is added to sausage within the limits prescribed under Part 18 of this subchapter, the product shall be marked with the name of each of such added ingredients, as for example, "cereal added", "potato flour added", "cereal and potato flour added", "soya flour added", "non-fat dry milk added", "cereal and non-fat dry milk added", etc., as the case may be. On sausage of the smaller varieties, the marking prescribed in this paragraph may be limited to links bearing the inspection legend.

(d) (1) When product is placed in casing to which artificial coloring is applied, as permitted under Parts 1 through 29 of this subchapter, the article shall be legibly and conspicuously marked by stamping or printing on the casing or securely affixing to the article the words "artificially colored."

(2) If the casing is removed from product at an official establishment and there is evidence of artificial coloring on the surface of the product, the article from which the casing has been removed shall be marked by stamping directly thereon or by securely affixing thereto the printed words "artificially colored."

(3) The casing containing product need not be marked to show that it is colored if it is colored prior to its use as a covering for the product, and the coloring is of a kind and so applied as not to be transferable to the product and not to be misleading or deceptive with respect to color, quality, or kind of product enclosed in the casing.

(4) In the case of sausage of the smaller varieties the marking prescribed in this paragraph may be limited to links bearing the inspection legend.

(e) When approved antioxidants are added to unsmoked dried sausage in casings the product shall be legibly and conspicuously marked in an approved manner to show their presence and the purpose for which they are added, for example, with the statement "oxygen interceptor added to improve stability".

(f) A cloth bag, artificial casing, or similar container of sausage or other product of a size larger than that customarily sold at retail intact shall be printed with the mark of inspection and any other marks required under paragraphs (b) through (e), near each end of the product, so as to be clearly visible to the consumer: *Provided*, That such articles which are printed with a label in conformity with Part 17 need not, in addition, show markings other than the mark of inspection near each end.

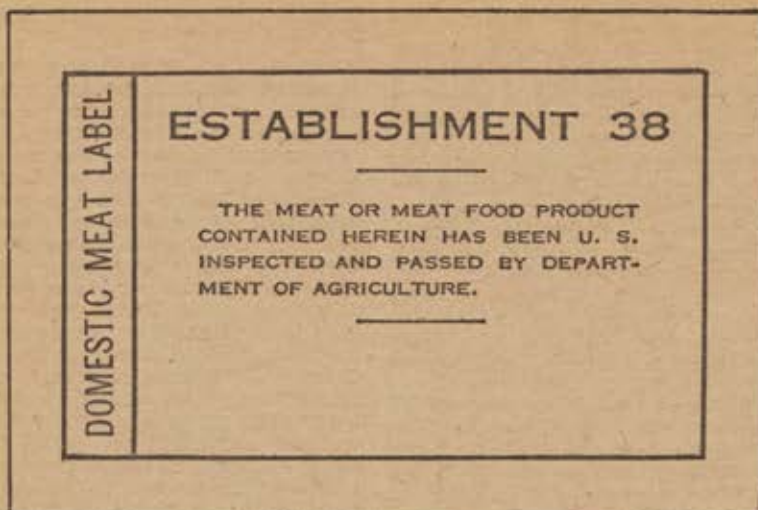
(g) The markings indicated in paragraph (f) of this section shall be branded near each end of sausage or similar product prepared in animal casings when the article is of a size larger than that customarily sold at retail intact.

(h) All markings may be omitted from sausage and other meat food products in

casings when these articles are to be processed in sealed containers.

§ 16.14 *Marking product with the list of ingredients.* A product fabricated from two or more ingredients shall bear a list of the ingredients, giving the common or usual names of the ingredients arranged in the order of their predominance, except that spices may be designated as "spices" or "flavorings", and flavorings (including essential oils, oleoresins, and other spice extractives) may be designated as "flavorings" without naming each. The list of ingredients shall be applied legibly and securely to the product by means approved by the Director of Division, such as stamping, printing, or the use of paper bands, tags, or tied-in paper or fabric flaps on stuffed sausage, or tissue strips on loaf-like articles: *Provided*, That product for which a definition and standard of identity has been prescribed under Part 28 of this subchapter which conforms to such definition and standard, and which bears the name specified in the definition and standard, together with such declaration of optional ingredients and other labeling features as are required by the applicable definition and standard, need not bear a list of ingredients: *Provided further*, That bockwurst and sausages of the smaller varieties, such as frankfurters and pork sausage, shall bear the list of ingredients at least once on each 2 pounds of product: *Provided further*, That when such product is distributed from an official establishment in an immediate or true container of a type and size customarily sold at retail intact, the list of ingredients on the label of the package shall be sufficient: *And provided further*, That when sausages of the smaller varieties are shipped to another official establishment for further processing, or to a governmental agency, the list of ingredients need appear only twice throughout the contents of containers and when so shipped may be omitted from the contents of containers of 10-pound size or less. When such products are shipped to another official establishment for further processing, the inspector in charge at the point of origin shall identify the shipment to the inspector in charge at destination by means of Form MI 408-1.

§ 16.15 *Marking of shipping containers; domestic meat label.* (a) Except as provided in this part and Part 25 of this subchapter, when any inspected and passed product for domestic commerce is moved from an official establishment, the shipping container shall bear an approved mark of inspection, as prescribed in Part 17 of this subchapter, or an approved domestic meat label, whichever is appropriate. The domestic meat label shall be 2 3/4 by 4 inches in size and shall be in form and substance as illustrated below, except that the name and address of the establishment, or the name only, may be printed on the label, at the bottom thereof:



The domestic meat label shall be printed with black ink on white paper of good quality, except that in the case of fiberboard shipping containers it may be printed directly on such containers in black ink on any color background, except green, which offers sufficient contrast so that it is prominently and informatively displayed.

(b) When any product prepared in an official establishment for domestic commerce has been inspected and passed and is enclosed in a cloth wrapping, such wrapping may bear, in lieu of the domestic meat label, the inspection legend and establishment number applied by the approved 2½-inch rubber brand: *Provided*, The domestic meat label or rubber brand may be omitted in those cases in which the inspection legend and establishment number on the articles themselves are clearly legible through the wrapping or the wrapping is labeled in accordance with Part 17 of this subchapter: *Provided further*, That plain unprinted wrappings such as stockinettes, cheese cloth, paper and crinkled paper bags for properly marked fresh meat, including carcasses, and primal parts thereof, which are used solely to protect the product against soiling or excessive drying during transportation or storage need not bear the marks of inspection.

(c) The shipping or outside containers of products for export shall be marked in compliance with Part 24 of this subchapter.

§ 16.16 *Tank cars and tank trucks of edible product.* Each tank car and each tank truck carrying inspected and passed product from an official establishment shall bear a label containing the true name of the product, the inspection legend, the establishment number, and the words "date of loading," followed by a suitable space for the insertion of the date. The label shall be located conspicuously and shall be printed on material of such character and so affixed as to preclude detachment or effacement upon exposure to the weather. Before the car or truck is removed from the place where it is unloaded, the carrier shall remove or obliterate such label.

§ 16.17 *Transferring inspected and passed product for export.* When inspected and passed products for export are transferred from tank cars to other containers on boats, such transfer shall be done in accordance with the provisions outlined in Part 40 of this subchapter.

§ 16.18 *Denaturing of inedible grease, etc.; marking "inedible".* (a) Inedible grease, inedible tallow, or other inedible animal fat, or mixture containing such fat, having the physical characteristics of an edible product shall be denatured or otherwise destroyed for food purposes. Containers of such inedible grease, inedible tallow, or other inedible fat shall be marked conspicuously with the word "inedible". Such containers as tierces, barrels, and half barrels shall have both ends painted white with durable paint, if necessary, to provide a contrasting background, and the word "inedible" marked thereon in letters not less than 2 inches high, while on tank cars the letters shall be not less than 4 inches high.

(b) Inspected rendered animal fat which for any reason it is desired to classify as inedible may be shipped interstate if handled as provided in paragraph (a) of this section for inedible fat having the physical characteristics of an edible product.

(c) Uninspected non-exempt rendered animal fat, or mixtures containing such fat, having the physical characteristics of an edible product may be shipped interstate if handled as provided in paragraph (a) of this section for inedible fat having the physical characteristics of an edible product.

PART 17—LABELING

- Sec.
- 17.1 Labeling required; supervision by Division employee.
- 17.2 Labels: What to contain, when and how used.
- 17.3 Labels to conform with definitions and standards of identity.
- 17.4 Labels to be approved by Director of Division.
- 17.5 Inspector in charge to permit certain modifications of approved labels.
- 17.6 Approved labels to be used only on products to which they are applicable.

- Sec.
- 17.7 Product for foreign commerce; printing labels in foreign language permissible.
- 17.8 False or deceptive labeling and practices.
- 17.9 Labeling product prepared with artificial coloring, artificial flavoring, antioxidants, or preservatives.
- 17.10 Reuse of inspection marks; reuse of containers bearing marks of inspection, labels, etc.; requirements regarding.
- 17.11 Labeling, filling of containers, handling of labeled products to be only in compliance with regulations.
- 17.12 Relabeling product, requirements regarding.
- 17.13 Distribution of labels bearing an inspection legend.
- 17.14 Rescindment of label approvals.

AUTHORITY: §§ 17.1 to 17.14 issued under 34 Stat. 1264, sec. 306, 46 Stat. 659; 19 U. S. C. 1306, 21 U. S. C. 89.

NOTE: Approvals prior to July 1, 1950, of labeling material for imported meats, meat byproducts, and meat food products were canceled effective April 1, 1957 (22 F. R. 733, Feb. 6, 1957). Any person who proposes to use labeling material, for meats, meat byproducts, or meat food products to be imported into the United States on or after April 1, 1957, which was approved prior to July 1, 1950, and has not since been reapplied, must submit such labeling material to the Director of the Meat Inspection Division for approval under the regulations currently in effect.

§ 17.1 *Labeling required; supervision by Division employee.* (a) When, in an official establishment, any inspected and passed product is placed or packed in any can, pot, tin, canvas, or other receptacle or covering constituting an immediate or true container, there shall be affixed to such container or covering a label as hereinafter described in this part: *Provided*, That plain wrappings for fresh meat, such as dressed carcasses and primal parts thereof, which are used solely to protect the product against soiling or excessive drying during transportation or storage need not bear a label: *Provided further*, That uncolored transparent coverings, such as cellophane, which bear no printed or graphic matter and which enclose any unpackaged or packaged product bearing all required markings need not bear a label if the required markings are clearly legible through such coverings: *Provided further*, That animal and transparent artificial casings bearing no marks or printed features other than those required under Part 16 of this subchapter need not bear additional labeling: *And provided further*, That stockinettes used as "operative devices," such as those applied to cured meats in preparation for smoking, need not bear labels whether or not such stockinettes are removed following completion of the operations for which they were applied.

(b) Folders and similar coverings made of paper or like material, which do not completely enclose the product and which bear any printed word or statement, shall bear all features required on a label for an immediate or true container.

(c) No container or covering which bears or is to bear a label shall be filled, in whole or in part, except with product

which has been inspected and passed in compliance with Parts 1 through 29 of this subchapter, which is sound, healthful, wholesome, and fit for human food, and which is strictly in accordance with the statements on the label. No such container or covering shall be filled, in whole or in part, and no label shall be affixed thereto, except under the supervision of a Division employee.

§ 17.2 *Labels: What to contain, when and how used.* (a) Labels within the meaning of this part shall include any printing, lithographing, embossing, or other marking on labels, stickers, seals, wrappers, or receptacles.

(b) Labels shall contain, prominently and informatively displayed, the true name of the product; the word "ingredients" followed by a list of the ingredients when the product is fabricated from two or more ingredients, except in the case of products for which definitions and standards of identity have been prescribed under Part 28 of this subchapter; the name and place of business of the manufacturer, packer, or person for whom the product is prepared; and an inspection legend and the number of the establishment in the following form, on that portion of the label featuring the name of the product, or, when there are two or more panels, then on the principal display panels:



However, in lieu of showing the inspection legend and the establishment number in such form, in the case of large size fiberboard immediate containers, a domestic meat label may be printed directly on such containers in size, form and substance as provided in § 16.15 (a) of this subchapter for use on fiberboard shipping containers; the name and place of business of the manufacturer, packer, or person for whom the product was prepared may be omitted from labels for product not required to be labeled under § 17.1; the establishment number may be omitted from labels on cartons used as outer containers of edible fats, such as lard and oleomargarine, when such articles are enclosed in wrappers which bear an inspection legend and establishment number, and from a label lithographed directly on a can bearing the embossed or lithographed establishment number; and a metal container on which an inspection legend is embossed or lithographed may, with the approval of the Director of the Division, bear an inspection legend of different design and in abbreviated form.

(1) The name of a product shall be the common name, if any, and one which

clearly and completely identifies the article. Product which has been prepared by salting, smoking, drying, cooking, chopping, and the like shall be so described on the label unless the name on the article implies, or the manner of packaging shows, that the product was subjected to such procedure or procedures. The unqualified terms "meat", "meat byproduct", "meat food product", and terms common to the meat industry but not to consumers such as "picnic", "butt", "calf", "square", "loaf", "spread", "delight", "roll", "plate", "luncheon", and "daisy" shall not be used as names of articles unless accompanied with terms descriptive of the product or with a list of ingredients.

(2) The list of ingredients shall appear as part of or in addition to the true name of the product and shall show the common or usual names of the ingredients arranged in the order of their predominance, except that spices may be designated as "spices" or "flavorings", and flavorings (including essential oils, oleoresins, and other spice extracts) may be designated as "flavorings" without naming each. The name of an ingredient shall not be a collective name but shall be a specific name, as, for example, "beef", "pork", "beef tripe", "sheep livers", "pork snouts", "flour", "corn flour", "potato flour", "water", "nonfat dry milk", "tomato puree", and "beef broth". *Provided*, That when a product is coated with pork fat, gelatin, or other approved substance and a specific declaration of such coating appears in connection with the name of product, the ingredient statement need not make reference to the ingredients of such coating: *And provided further*, That when the label bears the designation "compound" or "shortening" the term "animal and vegetable fats" or "vegetable and animal fats" may be employed to designate the ingredients of mixtures of such edible fats. "Animal fats" as used herein means inspected and passed fat derived from cattle, sheep, swine, or goats.

(3) The name of the manufacturer or packer may appear without qualification on the label or the container of product. When the name of the manufacturer or packer is not that under which inspection is granted at the establishment but is the name of a tenant operating in the establishment, full information identifying the tenant and the scope of his operations shall be furnished to the Director of Division. When product is not prepared by the person whose name appears on the label, the name shall be qualified by a phrase which reveals the connection such person has with such product, as for example, "Prepared for . . ."

(c) Stencils, box dies, inserts, tags, and like devices shall not bear an inspection legend or any abbreviation or representation thereof: *Provided*, That with the approval of the Director of Division, box dies including the inspection legend and establishment number may be used in marking wooden boxes of light material having a maximum capacity of five pounds, fiber board containers, and wood wire-bound boxes and crates with at least 90 percent of the total wood surfaces being veneer wood not over one-sixth of an inch thick and of such

quality that matter imprinted on it is legible.

(d) The establishment number shall be either embossed or lithographed on all sealed metal containers of inspected and passed product filled in an official establishment, except that such containers which bear labels lithographed directly on the can and in which the establishment number is incorporated need not have the establishment number embossed or lithographed thereon. Labels shall not be affixed to containers so as to obscure the embossed or lithographed establishment number.

(e) When any product is placed in a carton or in a wrapper of paper or cloth or in such other labeled container or covering as the Director of Division may approve, an inspection legend and the establishment number, in form and substance as specified in paragraph (b) of this section, may be embodied on a sticker to be securely and prominently affixed, along with the name of product, at a place on the label reserved and designated for the purpose. In case there are two or more display panels featuring the name of product, the inspection sticker shall be affixed to the principal panel or panels. The inspection sticker shall not be used without the approval of the Director of Division and shall be affixed to the label under the supervision of a Division employee.

(f) Meat and meat food products packaged in consumer size impervious film containers which are usually displayed in self service refrigerated counters shall have a statement such as "Keep Refrigerated" prominently displayed on the principal display panel of the label.

§ 17.3 *Labels to conform with definitions and standards of identity.* When inspected and passed products are labeled with the names of, or are represented as, articles for which definitions and standards of identity have been prescribed under Part 28 of this subchapter, the labels shall conform to such definitions and standards.

§ 17.4 *Labels to be approved by Director of Division.* (a) Except as provided in paragraph (d) of this section no label shall be used on any product until it has been approved in its final form by the Director of Division. For the convenience of the establishment sketches or proofs of new labels may be submitted in triplicate through the inspector in charge to the Division for approval and the preparation of finished labels deferred until such approval is obtained. All finished labels shall be submitted in quadruplicate through the inspector in charge to the Division for approval.

(b) In case of lithographed labels, paper take-offs in lieu of sections of the metal containers shall be submitted for approval. Such paper take-offs shall not be in the form of a negative but shall be a complete reproduction of the label as it will appear on the package, including any color scheme involved. In case of fiber containers, printed layers, such as the kraft paper sheet, shall be submitted for approval in lieu of the complete container.

(c) Inserts, tags, liners, pasters, and like devices containing printed or graphic

matter and for use on, or to be placed within, containers and coverings of product shall be submitted for approval in the same manner as provided for labels in paragraph (a) of this section, except that inspectors in charge may permit use of such devices which contain no reference to product and bear no misleading feature.

(d) Stencils, labels, box dies, and brands may be used on shipping containers and on such immediate containers as tierces, barrels, drums, boxes, crates, and large-size fiberboard containers provided the markings are applicable to the product, are not false or deceptive, and are used with the approval of the inspector in charge. The inspection legend for use in combination with such markings shall be approved by the Director of Division whether the legend is applied in the form illustrated in § 17.2 or by means of a domestic meat label.

§ 17.5 *Inspector in charge to permit certain modifications of approved labels.* The inspector in charge may permit the use of approved labels or other markings modified as follows provided the labeling or marking as modified is so used as not to be false or deceptive:

(a) When all features of the label or marking are proportionately enlarged and the color scheme remains the same.

(b) When changes are made in the figures denoting the quantity of contents or when there is substitution of such abbreviations as "lb." for "pound", "oz." for "ounce", or the word "pound" or "ounce" is substituted for the abbreviation.

(c) When a master or stock label is approved from which the name and address of the distributor are omitted and such name and address are applied before being used. The words "prepared for" or similar statement must be shown together with the blank space reserved for the insertion of the name and address when such labels are offered for approval.

(d) When, during Christmas and other holiday seasons, wrappers or other covers bearing floral or foliage designs or illustrations of rabbits, chicks, fire-works, or other emblematic holiday designs are used with approved labels or markings. The use of such designs will not make necessary the application of labeling not otherwise required.

(e) When there is a slight change in arrangement of directions pertaining to the opening of cans or the serving of the product.

(f) When there is a change in the order of predominance of the ingredients on the label corresponding with a change in the formula used to prepare the product: *Provided*, That no new ingredients are added and none are omitted. Nothing in this paragraph shall be construed to modify any requirement of these regulations which provides either minimum or maximum limits for the use of certain ingredients.

§ 17.6 *Approved labels to be used only on products to which they are applicable.* Labels shall be used only on products for which they are approved. They shall not be applied to any product the container or covering of which bears any statement that is false or misleading or is so made,

formed, or filled as to be deceptive or misleading.

§ 17.7 *Product for foreign commerce; printing labels in foreign language permissible.* Labels to be affixed to packages of product for foreign commerce may be printed in a foreign language and may show the statement of the quantity of contents in accordance with the usage of the country to which exported. Deviations from the form of labeling required under Parts 1 through 29 of this subchapter may be approved by the Director of Division: *Provided*, (a) That the proposed labeling accords to the specifications of the foreign purchaser, (b) That it is not in conflict with the laws of the country to which it is intended for export, and (c) That the outside of the shipping package is labeled to show that it is intended for export; but if such product is sold or offered for sale in domestic commerce all the requirements of Parts 1 through 29 of this subchapter apply. The inspection legend and the establishment number shall in all cases appear in English but, in addition, may appear literally translated in a foreign language.

§ 17.8 *False or deceptive labeling and practices.* (a) No product, and no container thereof, shall be labeled with any false or deceptive name, but established trade names which are usual to such articles and are not false or deceptive and which have been approved by the Director of Division may be used.

(b) A label for product which is in imitation of another food shall bear the word "imitation" immediately preceding the name of the food imitated and in the same size and style of lettering as in that name and immediately thereafter the word "ingredients" and the names of the ingredients arranged in the order of their predominance.

(c) No statement, word, picture, design, or device which conveys any false impression or gives any false indication of origin or quality shall appear on any label. For example:

(1) Terms having geographical significance with reference to a locality other than that in which the product is prepared may appear on the label only when qualified by the word "style," "type," or "brand," as the case may be, in the same size and style of lettering as in the geographical term, and accompanied with a prominent qualifying statement identifying the country, State, Territory, or locality in which the product is prepared, using terms appropriate to effect the qualification. When the word "style" or "type" is used, there must be a recognized style or type of product identified with and peculiar to the locality represented by the geographical term and the product must possess the characteristics of such style or type, and the word "brand" shall not be used in such a way as to be false or deceptive: *Provided*, That a geographical term which has come into general usage as a trade name and which has been approved by the Director of Division as being a generic term may be used without the qualifications provided for in this paragraph. The terms "frankfurter," "vienna," "bologna," "lebanon bologna," "braunschweiger," "thun-

ringer," "genoa," "leona," "berliner," "holstein," "goteborg," "milan," "polish," and their modifications, as applied to sausages, the terms "brunswick" and "irish" as applied to stews, and the term "boston" as applied to pork shoulder butts, need not be accompanied with the word "style," "type," or "brand" or a statement identifying the locality in which the product is prepared.

(2) Such terms as "farm", "country", and the like shall not be used on labels in connection with products unless such products are actually prepared on the farm or in the country: *Provided*, That if the product is prepared in the same way as on the farm or in the country these terms, if qualified by the word "style" in the same size and style of lettering, may be used: *Provided further*, That the term "farm" may be used as part of a brand designation when qualified by the word "brand" in the same size and style of lettering, and followed with a statement identifying the locality in which the product is prepared. Sausage containing cereal shall not be labeled "farm style" or "country style", and lard not rendered in an open kettle shall not be designated as "farm style" or "country style".

(3) The requirement that the label shall contain the name and place of business of the manufacturer, packer, or distributor shall not be considered to relieve any establishment from the requirement that its label shall not be misleading in any particular.

(4) The term "spring lamb" or "genuine spring lamb" is applicable only to carcasses of new-crop lambs slaughtered during the period beginning in March and terminating not beyond the close of the week containing the first Monday in October.

(5) Coverings shall not be of such color, design, or kind as to be misleading or deceptive with respect to color, quality, or kind of product to which they are applied. For example, transparent or semitransparent coverings for such articles as sliced bacon or pork sausage shall not bear lines or other designs of red or other color which give a false impression of leanness of the product.

(6) The word "fresh" shall not be used on labels to designate product which contains any sodium nitrate, sodium nitrite, potassium nitrate, or potassium nitrite, or which has been salted for preservation.

(7) The words "spice", "spices", and "spiced", without qualification, shall not be used unless they refer to genuine natural spices.

(8) As used on labels of meat or product, the term "gelatin" shall mean (i) the jelly prepared in official establishments by cooking pork skins, tendons, or connective tissue from inspected and passed product, and (ii) dry commercial gelatin or the jelly resulting from its use.

(9) Product (other than canned product) labeled with the term "loaf" as its name or part of its name shall be prepared in loaf form.

(10) The term "baked" shall apply only to the product which has been cooked by the direct action of dry heat and for a sufficient time to permit the product to assume the characteristics of a baked

article, such as the formation of a brown crust on the surface, rendering out of surface fat, and the caramelization of the sugar if applied. Baked loaves shall be heated to a temperature of at least 160° F. and baked pork cuts shall be heated to an internal temperature of at least 170° F.

(11) When product such as loaves is browned by dipping in hot edible oil or by a flame, its label shall state such fact, the words "Browned in Hot Cottonseed Oil" or "Browned by a Flame", as the case may be, appearing as part of the name of product.

(12) The term "meat" and the names of particular kinds of meat, such as beef, veal, mutton, lamb, and pork, shall not be used in such manner as to be misleading or deceptive.

(13) The word "ham", without any prefix indicating the species of animal from which derived, shall be used on labels only in connection with pork hams. Ham shanks as such or ham shank meat as such or the trimmings accruing in the trimming and shaping of hams shall not be labeled "ham" or "ham meat" without qualification. When used in connection with a chopped product the term "ham" or "ham meat" shall not include the skin.

(14) The terms "shankless" and "hockless" shall apply only to hams and pork shoulders from which the shank or hock has been completely removed, thus eliminating the entire tibia and fibula, or radius and ulna, respectively, together with the overlying muscle, skin, and other tissue.

(15) Such terms as "meat extract" or "extract of beef" without qualification shall not be used on labels in connection with products prepared from organs or parts of the carcass other than fresh meat. Extracts prepared from any parts of the carcass other than fresh meat shall not be labeled "meat extract" but may be properly labeled with the true name of the parts from which prepared. In the case of extract in fluid form, the word "fluid" shall also appear on the label, as, for example, "fluid extract of beef". Meat extract shall contain not more than 25 percent of moisture. Fluid extract of meat shall contain not more than 50 percent of moisture.

(16) When cereal, vegetable starch, starchy vegetable flour, soya flour, dried milk, or non-fat drymilk is added to sausage within the limits prescribed under Part 18 of this subchapter, there shall appear on the label in a prominent manner, contiguous to the name of the product the name of each such added ingredient, as, for example, "cereal added", "with cereal", "potato flour added", "cereal and potato flour added", "soya flour added", "non-fat drymilk added", "cereal and non-fat drymilk added", as the case may be.

(17) When any product is enclosed in a container along with a packing substance such as brine, vinegar, or agar jelly, a declaration of the packing substance shall be printed prominently on the label in connection with the name of product, as for example, "frankfurts packed in brine", "lamb tongue packed in vinegar", or "beef tongue packed in agar jelly", as the case may be. The statement of the quantity of contents

shall represent the weight of the drained product when removed from the container to the exclusion of the packing substance. The packing substance shall not be used in such a manner as will result in the container being so filled as to be misleading.

(18) The term "lard" is applicable only to the fat rendered from fresh, clean, sound, fatty tissues from hogs in good health at the time of slaughter with or without lard stearin or hydrogenated lard. The tissues do not include bones, detached skin, head skin, ears, tails, organs, windpipes, large blood vessels, scrap fat, skimmings, settlings, pressings, and the like, and are reasonably free from muscle tissue and blood.

(19) The term "leaf lard" is applicable only to lard prepared from fresh leaf fat.

(20) The term "rendered pork fat" is applicable to the fat other than lard, rendered from clean, sound carcasses, parts of carcasses, or edible organs from hogs in good health at the time of slaughter, except that stomachs, bones from the head, and bones from cured or cooked pork are not included. The tissues rendered are usually fresh, but may be cured, cooked, or otherwise prepared and may contain some meat food products. Rendered pork fat may be hardened by the use of lard stearin and/or hydrogenated lard and/or rendered pork fat stearin and/or hydrogenated rendered pork fat.

(21) When lard or hardened lard is mixed with rendered pork fat or hardened rendered pork fat, the mixture shall be designated as "rendered pork fat" or "hardened rendered pork fat", as the case may be.

(22) Oil, stearin, or stock obtained from beef or mutton fats rendered at a temperature above 170° F. shall not be designated as "oleo oil", "oleo stearin", or "oleo stock", respectively.

(23) When not more than 20 percent of beef fat, mutton fat, oleo stearin, vegetable stearin, or hardened vegetable fat is mixed with lard or with rendered pork fat, there shall appear on the label, contiguous to and in the same size and style of lettering as the name of product, the words "beef fat added", "mutton fat added", "oleo stearin added", "vegetable stearin added", or "hardened vegetable fat added", as the case may be.

(24) The designation "vegetable fat" is applicable to vegetable oil, vegetable stearin, or a combination of such oil and stearin, whereas the designations "vegetable oil" and "vegetable stearin" shall be applicable only to the oil and the stearin, respectively.

(25) No rendered edible animal fat or mixture of fats containing rendered edible animal fat shall contain added water, except that puff pastry shortening may contain not more than 10 percent of water, and oleomargarine may contain water within the limits prescribed under Part 28 of this subchapter.

(26) Containers of edible rendered animal fats and mixtures of edible fats containing animal fats shall, before or immediately after filling, be legibly marked with the true name of the product.

(27) Product labeled "Chili Con Carne" shall contain not less than 40

percent of meat computed on the weight of the fresh meat. Head meat, cheek meat, and heart meat exclusive of the heart cap may be used to the extent of 25 percent of the meat ingredient under specific declaration on the label. The mixture may contain not more than 8 percent, individually or collectively, of cereal, vegetable starch, starchy vegetable flour, soya flour, dried milk or non-fat dry milk.

(28) Product labeled "Chili Con Carne With Beans" shall contain not less than 25 percent of meat computed on the weight of the fresh meat. Head meat, cheek meat, and heart meat exclusive of the heart cap may be used to the extent of 25 percent of the meat ingredient under specific declaration on the label.

(29) Product labeled "hash" shall contain not less than 35 percent of meat computed on the weight of the cooked and trimmed meat. The weight of the cooked meat used in this calculation shall not exceed 70 percent of the weight of the uncooked fresh meat.

(30) Products labeled as meat stews, for example, "beef stew", "lamb stew", and the like, shall contain not less than 25 percent of meat computed on the weight of the fresh meat.

(31) Product labeled "Tamales" shall be prepared with at least 25 percent meat computed on the weight of the uncooked fresh meat in relation to all ingredients of the tamales. When tamales are packed in sauce or gravy, the name of the product shall include a prominent reference to the sauce or gravy, for example "Tamales With Sauce" or "Tamales With Gravy." Product labeled "Tamales With Sauce" or "Tamales With Gravy" shall contain not less than 20 percent meat, computed on the weight of the uncooked fresh meat in relation to the total ingredients making up the tamales and sauce or the tamales and gravy.

(32) Spaghetti with meat balls and sauce, spaghetti with meat and sauce, and similar product, shall contain not less than 12 percent of meat computed on the weight of the fresh meat. The presence of the sauce or gravy constituent shall be declared prominently on the label as part of the name of the product. Meat balls may be prepared with not more than 12 percent, singly or collectively, of farinaceous material, soya flour, non-fat dry milk, and the like.

(33) Spaghetti sauce with meat shall contain not less than 6 percent of meat computed on the weight of the fresh meat.

(34) Scrapple shall contain not less than 40 percent of meat and/or meat by-products computed on the basis of the fresh weight, exclusive of bone. The meal or flour used may be derived from grain and/or soybeans.

(35) Hamburger shall consist of chopped fresh beef, with or without the addition of beef fat as such and/or of seasoning, and shall not contain more than 30 percent of fat.

(36) Liver sausage, liver loaf, liver paste, liver cheese, liver pudding, liver spread, and the like shall contain not less than 30 percent of liver computed on the weight of the fresh liver.

(37) Product labeled "ham spread," "tongue spread," and the like, shall contain not less than 50 percent of the meat ingredient named computed on the weight of the fresh meat. Other meat and fat may be used to give the desired spreading consistency provided it does not detract from the character of the named spread.

(38) Deviled ham may contain added ham fat: *Provided*, That the total fat content shall not exceed 35% of the finished product. The moisture content of deviled ham, deviled tongue, and the like, shall not exceed that of the fresh unprocessed meat.

(39) Potted meat food product and deviled meat food product shall not contain cereal, vegetable flour, non-fat dry milk, or similar substance. The amount of water added to potted meat food product and deviled meat food product shall be limited to that necessary to replace moisture lost during processing.

(40) Pork sausage and breakfast sausage, whether fresh, smoked, or canned, shall not be made with product which, in the aggregate for each lot, contains more than 50 percent trimmable fat; that is, fat which can be removed by thorough, practicable trimming and sorting.

(41) Cooked, cured, or pickled pigs feet, pigs knuckles, and the like, shall be labeled to show that the bones remain in the product, if such is the case. The designation "semi-boneless" shall not be used if less than 50 percent of the total weight of bones has been removed.

(42) Canned product labeled "Corned Beef" and canned product labeled "Roast Beef Parboiled and Steam Roasted" shall be prepared so that the weight of the finished product shall not exceed 70 percent by weight of the fresh beef, plus salt and flavoring material included in the product. Beef cheek meat and beef head meat from which the overlying glandular and connective tissues have been removed, and beef heart meat, exclusive of the heart cap may be used individually or collectively to the extent of 5 percent of the meat ingredient in the preparation of canned product labeled "Corned Beef" and canned product labeled "Roast Beef Parboiled and Steam Roasted". When beef cheek meat, beef head meat, and beef heart meat are used in the preparation of these products, their presence shall be reflected in the statement of ingredients as required by this part.

(43) When monoglycerides and diglycerides are added to rendered animal fat or a combination of such fat and vegetable fat, there shall appear on the label in a prominent manner and contiguous to the name of the product a statement such as "With Monoglycerides and Diglycerides", "Monoglycerides and Diglycerides Added", "With Diglycerides and Monoglycerides" or "Diglycerides and Monoglycerides Added" as the case may be.

(44) Canned product labeled "Tripe With Milk" shall be prepared so that the finished canned article, exclusive of the cooked-out juices and milk, will contain at least 65 percent tripe. The product shall be prepared with not less than 10 percent milk.

(45) Product labeled "Beans With Frankfurters in Sauce," "Sauerkraut With Wieners and Juice," and the like, shall contain not less than 20 percent frankfurters or wieners computed on the weight of the smoked and cooked sausage prior to its inclusion with the beans or sauerkraut.

(46) Product labeled "Lima Beans With Ham in Sauce," "Beans With Ham in Sauce," "Beans With Bacon in Sauce," and the like, shall contain not less than 12 percent ham or bacon computed on the weight of the smoked ham or bacon prior to its inclusion with the beans and sauce.

(47) Product labeled "Chow Mein Vegetables With Meat" and "Chop Suey Vegetables With Meat" shall contain not less than 12 percent meat computed on the weight of the uncooked fresh meat prior to its inclusion with the other ingredients.

(48) Products labeled "Pork With Barbecue Sauce" and "Beef With Barbecue Sauce" shall contain not less than 50 percent meat computed on the weight of the cooked and trimmed meat. The weight of the cooked meat used in this calculation shall not exceed 70 percent of the uncooked weight of the meat. If uncooked meat is used in formulating the products, they shall contain at least 72 percent meat computed on the weight of the fresh uncooked meat. When cereal, vegetable flour, non-fat dry milk or similar substances are used in preparing the products, such fact shall be prominently stated as a part of the name of the product.

(49) The weight of smoked products such as hams, pork shoulders, pork shoulder picnics, pork shoulder butts, beef tongues, and the like, except hams, pork shoulder picnics, and similar products prepared for canning shall not exceed the weight of the fresh uncured article. Hams, pork shoulder picnics, and similar products prepared for canning shall be prepared to conform to the limitations provided in § 18.7 (n) of this subchapter in the case of ham for canning.

(50) The terms "Animal Fat" and "Meat Fat" may be used synonymously to identify rendered fats obtained from cattle, sheep, swine, or goats in the name of product and ingredient statement for such meat food products as shortening and uncolored oleomargarine. The terms "Animal Fat" or "Meat Fat" shall not be used to identify such well known single commodities as lard, rendered pork fat, oleo oil, oleo stearin, oleo stock and the like when prepared and packed as such.

(51) "Beef with Gravy" and "Gravy with Beef" shall not be made with beef which, in the aggregate for each lot contains more than 30 percent trimmable fat, that is, fat which can be removed by thorough practical trimming and sorting.

(52) The application of curing solution to beef briskets shall not result in an increase in the weight of the finished cured product of more than 20 percent over the weight of the fresh uncured briskets. The application of curing solution to other beef cuts, such as navels, clods, middle ribs, rumps and the like,

which are intended for bulk corned beef shall not result in an increase in the weight of the finished cured product of more than 10 percent over the weight of the fresh uncured meat.

(53) Colored oleomargarine or colored margarine packed for retail sale shall be in containers not exceeding one-pound capacity.

(i) The word "oleomargarine" or "margarine" shall appear on each principal display panel of the container in type or lettering at least as large and in at least the same prominence as any other type or lettering appearing on such container.

(ii) A full and accurate statement of all the ingredients contained in such oleomargarine or margarine shall be prominently and informatively displayed contiguous to the word "oleomargarine" or "margarine" wherever such word is featured on the container. The ingredients shall be shown by their common or usual name and be arranged in the order of their predominance. Collective terms such as "animal fat" and "vegetable fat" shall not be used but the specific fat, oil or stearin shall be shown.

(iii) Each part of the contents of the container shall be enclosed in a wrapper bearing the word "oleomargarine" or "margarine" in type or lettering not smaller than 20-point type.

(iv) Wrapped quarter pound sticks or similar units of such oleomargarine or margarine packaged together in a container may constitute units for retail sale and they shall be individually wrapped and labeled in accordance with subdivisions (i), (ii), and (iii) of this subparagraph.

(54) The preparation of cooked cured product such as hams, pork shoulders, pork shoulder picnics, pork shoulder butts, and pork loins, either by moist or dry heat, shall not result in the finished cooked article weighing more than the fresh uncured product; that is, the weight of the finished cooked article plus the weight of the skin, bones, fat, and trimmings removed during the preparation shall not exceed the weight of the fresh uncured product.

(55) Product labeled "Pressed Ham," and "Pressed Ham With Natural Juices," may contain finely chopped ham shank meat to the extent of 25 percent over that normally present in the boneless ham. The weight of the cured chopped ham prior to processing shall not exceed the weight of the fresh uncured ham, exclusive of the bones and fat removed in the boning operations, plus the weight of the curing ingredients and 3 percent moisture.

(56) When approved proteolytic enzymes are used on steaks or other meat cuts which are frozen or cooked within the official establishment where they are produced, there shall appear on the labels of the frozen or cooked cuts, contiguous to the name of the products, a prominent descriptive statement such as "Dipped in a Solution of Papain," to indicate the use of such enzymes.

(d) When a statement of quantity of contents is shown on a label it shall not be false or deceptive. Except as provided in § 17.7, it shall meet the following requirements. It shall represent in terms

of avoirdupois weight or liquid measure the quantity of product in the package exclusive of materials packed with it. When no general consumer usage to the contrary exists, the statement shall be in terms of liquid measure, if the product is liquid, or in terms of weight if the product is solid, semisolid, viscous, or a mixture of solid and liquid. Unless the statement is so qualified as to show that it expresses the minimum quantity, it shall be taken to express the actual quantity. When the statement expresses the minimum quantity, no variation below the stated minimum shall be permitted, and variations above the stated minimum shall be no greater than consistent with filling the container to the stated minimum in accordance with good commercial practice. When the statement expresses actual quantity, variations incident to packaging in accordance with good commercial practice shall be allowed but the average shall not be less than the quantity stated.

§ 17.9 Labeling product prepared with artificial coloring, artificial flavoring, antioxidants, or preservatives. Product which bears or contains any artificial coloring, artificial flavoring, antioxidants, or preservatives as permitted under parts 1 through 29 of this subchapter shall bear labeling stating that fact.

(a) Artificial coloring of edible fats shall be declared on the label in a prominent manner and contiguous to the name of the product by the words "artificially colored".

(b) (1) When product is placed in casing to which artificial coloring is applied, as permitted under Parts 1 through 29 of this subchapter, there shall appear on the label, in a prominent manner and contiguous to the name of the product, the words "artificially colored."

(2) If the casing is removed from product at an official establishment and there is evidence of the artificial coloring on the surface of the product, there shall appear on the label in a prominent manner and contiguous to the name of the product, the words, "artificially colored."

(3) When the casing is colored prior to its use as a covering for product, the color shall be of a kind and so applied as not to be transferable to the product and not to be misleading or deceptive with respect to color, quality, or kind of product enclosed in the casing, and no reference to color need appear on the label.

(c) When any artificial flavoring is permitted to be added to product there shall appear on the label in prominent letters and contiguous to the name of the product the words "artificially flavored", and the ingredient statement shall identify it as an artificial flavoring.

(d) When an antioxidant is added to product as permitted under Parts 1 through 29 of this subchapter there shall appear on the label in prominent letters and contiguous to the name of product, a statement showing that fact and the purpose for which it is added, such as, "oxygen interceptor added to improve stability", except as otherwise provided in Part 28 of this subchapter.

(e) Containers of meat packed in borax or other preservative for export to a foreign country which permits the use of such preservative shall, at the time of packing, be marked "for export", followed on the next line by the words "packed in preservative", or such equivalent statement as may be approved for this purpose by the Director of Division, and directly beneath this there shall appear the word "establishment" or abbreviation thereof, followed by the number of the establishment at which the product is packed. The complete statement shall be applied in a conspicuous location and in letters not less than 1 inch in height.

§ 17.10 Reuse of inspection marks; reuse of containers bearing marks of inspection, labels, etc.; requirements regarding. (a) No inspection legend which has been previously used shall be used again for the identification of any product, except as provided for in paragraph (b) of this section.

(b) All stencils, marks, labels, or other devices on previously used containers, whether relating to any product or otherwise, shall be removed or obliterated before such containers are used for any product, unless such stencils, marks, labels, or devices correctly indicate the article to be packed therein and such containers are refilled under the supervision of a Division employee.

§ 17.11 Labeling, filling of containers, handling of labeled products to be only in compliance with regulations. (a) All labeling of product required to be inspected by Division employees shall be in compliance with the regulations in Parts 1 through 29 of this subchapter.

(b) No person shall apply or affix, or cause to be applied or affixed, any label to any product prepared or received in an official establishment, or to any container thereof, except in compliance with the regulations in Parts 1 through 29 of this subchapter.

(c) No person shall, in an official establishment, fill or cause to be filled, in whole or in part, any container with any product required by the regulations in Parts 1 through 29 of this subchapter to bear a label, except in compliance with the regulations in Parts 1 through 29 of this subchapter.

(d) No person shall remove or cause to be removed from an official establishment any product bearing a label unless such label be in compliance with the regulations in Parts 1 through 29 of this subchapter.

§ 17.12 Relabeling product, requirements regarding. When it is claimed by an official establishment that some of its labeled product which has been transported to a location other than an official establishment, is in need of relabeling on account of the labels having become mutilated or otherwise damaged, the requests for relabeling the product shall be sent to the Director of Division and accompanied with a statement of the reasons therefor. Labeling material intended for relabeling inspected and passed product shall not be transported from an official establishment until per-

mission has been received from the Director of Division. The relabeling of inspected and passed product with official labels shall be done under the supervision of an inspector of the Division. The establishment shall reimburse the Division, in accordance with regulations of the United States Department of Agriculture, for any cost involved in supervising the relabeling of such product.

§ 17.13 Distribution of labels bearing an inspection legend. Labels, wrappers, and cartons bearing an inspection legend with or without the establishment number may be transported from one official establishment to another provided such shipments are made with the permission and under the supervision of the inspector in charge at the station of origin, who will notify the inspector in charge at destination concerning the date of shipment of the labeling material and the character and quantity of the materials involved. No such material shall be used at the establishment to which it is shipped unless it conforms with the requirements of Parts 1 through 29 of this subchapter.

§ 17.14 Rescindment of label approvals. Once a year, or oftener if necessary, each official establishment should submit to the Director of Division, in quadruplicate, a list of approvals for labels that have become obsolete, accompanied with a statement that such approvals are no longer desired. The approvals shall be identified by the number, the date of approval, and the name of product or other designation showing the class of material.

PART 18—REINSPECTION AND PREPARATION OF PRODUCTS

Sec.	
18.1	Reinspection of products; frozen products.
18.2	Tagging products "U. S. retained" on reinspection; disposition thereof.
18.3	Unsound product bearing inspection mark found outside of official establishments.
18.4	Product entering official establishment; identification as inspected and passed; disposition; shipping in commerce.
18.5	Designation of places of receipt of returned products for reinspection.
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18.7	Use in preparation of meat food products of chemicals, antioxidants, coloring matter, flavoring, water, ice, cereal, vegetable starch, nonfat dry milk, etc.
18.8	Preservatives and other substances permitted in product for export only; handling; such product not to be used for domestic food purposes.
18.9	Samples of products, water, dyes, chemicals, etc., to be taken for examination.
18.10	Prescribed treatment of pork and products containing pork to destroy trichinae.
18.11	Canning with heat processing and hermetically sealed containers; cleaning containers; closure; code marking; heat processing; incubation.

- Sec.
 18.12 Preparation of dog food or similar uninspected article at official establishments; edible products department; inedible products department; denaturing.
 18.13 Mixtures containing product but not amenable to Meat Inspection Act.
 18.14 Contamination of product by flood water, etc.; procedure for handling.
 18.15 Glands and organs for use in preparing pharmaceutical, organotherapeutic, or technical products.
 18.16 Tagging chemicals, preservatives, cereals, spices, etc., "U. S. retained."
 18.17 Product for educational uses, laboratory examination; and other purposes.

AUTHORITY: §§ 18.1 to 18.17 issued under 34 Stat. 1264, sec. 306; 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89.

§ 18.1 Reinspection of products; frozen products. (a) All products, whether fresh, cured, or otherwise prepared, even though previously inspected and passed, shall be reinspected by Division employees as often as may be necessary in order to ascertain whether they are sound, healthful, wholesome, and fit for human food at the time they leave official establishments. If upon reinspection any article is found to have become unsound, unhealthful, unwholesome, or in any way unfit for human food, the original mark, stamp, or label thereon shall be removed or defaced and the article condemned: *Provided*, That:

(1) If an article becomes soiled or unclean by falling on the floor or in any other accidental way, it may be cleaned (including trimming, if necessary) and presented for reinspection.

(2) When an article is found to be affected by any unsound or unwholesome condition designated by the Director of Division as being capable of rehandling by approved methods for food purposes, the official establishment may be permitted to rehandle if necessary steps are immediately taken in a manner prescribed by him. Included are such conditions as articles found to have absorbed a foreign odor, to contain mold or similar substance, and rendered animal fats in which there is present tank water in first stages of sourness. If upon final inspection the article is found to be sound and wholesome it shall be passed for human food; otherwise it shall be condemned.

(b) Care shall be taken to see that product is in good condition when placed in freezers. If there is doubt as to the soundness of any frozen product, the inspector will require the defrosting and reinspection of a sufficient quantity thereof to determine its actual condition.

(1) Product, such as pork tenderloins, brains, sweetbreads, stews, chop suey, etc., shall not be packed in hermetically sealed metal or glass containers, unless subsequently heat processed or otherwise treated to preserve the product in a manner approved by the Director of Division.

(2) Frozen product may be defrosted in water or pickle in a manner and with the use of facilities which are acceptable to the inspector in charge. Before such product is defrosted, a careful examination shall be made to determine its condition. If necessary, this examination

shall include defrosting of representative samples by means other than in water or pickle.

(c) Attention should be given particularly to the first draw-off from the bottoms of tank cars where a tank-water-sour condition is sometimes found.

§ 18.2 Tagging products "U. S. retained" on reinspection; disposition thereof. A "U. S. retained" tag shall be placed by a Division employee at the time of reinspection on all products or the containers thereof which are suspected on reinspection at an official establishment or in the possession of such establishment of being unsound, unhealthful, unwholesome, or in any way unfit for human food. The employee who affixes the tag shall record the tag number and the kind and amount of the article retained. Such tag shall accompany such article to the retaining room or other special place for final inspection. When the final inspection is made, if the article is condemned, the original mark, stamp, or label thereon shall be removed or defaced and the inspector shall stamp on or write across the face of the retained tag the phrase "U. S. inspected and condemned," and this tag shall accompany such article into the tank. The inspector shall make a complete record of the transaction and shall report his action to the inspector in charge. If, however, upon final inspection the article is passed for food, the inspector shall remove the retained tag, record the transaction, and report his action to the inspector in charge.

§ 18.3 Unsound product bearing inspection mark found outside of official establishments. Division employees shall inform local representatives of the Food and Drug Administration, or responsible state or municipal officials, and report to the Director of Division regarding any product which bears, or the container of which bears, the inspection legend, discovered by them outside of official establishments, and which is unsound, unhealthful, unwholesome, or in any way unfit for human food.

§ 18.4 Product entering official establishments; identification as inspected and passed; disposition, shipping in commerce. (a) Except as provided in Part 12 of this subchapter, no product shall be brought into an official establishment unless it has been previously inspected and passed by a Division employee, nor unless it can be identified by marks, seals, brands, or labels as having been so inspected and passed, nor, except as provided in Part 27 of this subchapter, if it has been processed elsewhere than in an official establishment. All products brought into an official establishment in compliance with the regulations in Parts 1 through 29 of this subchapter shall be identified and reinspected at the time of receipt, and be subjected to further reinspection in such manner and at such times as may be deemed necessary. If upon such reinspection any article is found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food, the original mark, stamp, or label shall be removed or defaced and the article condemned.

(b) Any product which has been inspected and passed under the regulations in Parts 1 through 29 of this subchapter and which bears the inspection legend may be shipped in interstate or foreign commerce, provided it is sound, healthful, wholesome, and fit for human food and has not been processed, reprocessed, or changed elsewhere than in an official establishment in any manner so as to alter the character of the product.

§ 18.5 Designation of places of receipt of returned products for reinspection. Every official establishment shall designate, with the approval of the inspector in charge, a dock or place at which returned products shall be received; and such products shall be received only at such dock or place and shall be inspected there by a Division employee before further entering the establishment.

§ 18.6 Processes to be supervised; containers, equipment, processes of manufacture to be clean and sanitary; substances to be clean and wholesome. (a) All processes used in curing, pickling, rendering, canning, or otherwise preparing any product in official establishments shall be supervised by Division employees. No fixtures or appliances, such as tables, trucks, trays, tanks, vats, machines, implements, cans, or containers of any kind, shall be used unless they are of such materials and construction as will not contaminate the product and are clean and sanitary. All steps in the processes of manufacture shall be conducted carefully and with strict cleanliness in rooms or compartments separate from those used for inedible products.

(1) All containers which are intended to be hermetically sealed shall be washed as required under § 18.11 immediately before filling, except that the hermetically sealed cans in which lard is shipped may be examined immediately before being filled and if found to be acceptably clean, need not be washed.

(2) Pumps, pipes, conductors, and fittings used to conduct milk, skim milk, cream, or mixtures of these in the manufacture of oleomargarine shall be of sanitary construction, with smooth inner and outer surfaces of noncorrosive material or coated with nickel, tin, or other approved material, readily demountable for cleaning, and shall be kept clean and sanitary.

(3) Equipment may be used interchangeably for the preparation of lard and rendered pork fat which are to be labeled as such. The Director of Division may grant permission for the restricted dual use of such equipment for the preparation of other products. The pipes and equipment used for edible fats shall be so arranged that the identity of the product will be maintained until the product is properly labeled.

(4) The only animal casings that may be used as containers of product are those from cattle, sheep, swine, or goats.

(5) Casings for products shall be carefully inspected by Division employees. Only those casings which have been carefully washed and thoroughly flushed with clean water immediately before stuffing, are suitable for containers, are

clean, and are passed on such inspection shall be used, except that preflashed animal casings packed in salt or salt and glycerine solution or other approved medium may be used without additional flushing provided they are found to be clean and otherwise acceptable and are thoroughly rinsed before use.

(6) Beef rounds, beef bungs, beef middles, beef bladders, calf rounds, hog bungs, hog middles, and hog stomachs which are to be used as containers of meat food product shall be presented for inspection turned with the fat surface exposed.

(7) Portions of casings which show infestation with *Oesophagostomum* or other nodule-producing parasite, and weasands infested with the larvae of *Hypoderma lineatum*, shall be rejected, except that when the infestation is slight and the nodules and larvae are removed, the casing or weasand may be passed.

(8) The fermenting of intestines is not permitted in official establishments. The stripping and sliming of intestines shall be performed in a clean manner.

(9) Hog and sheep casings intended for use as containers of product may be treated by soaking in or applying thereto sound, fresh pineapple juice or a sound solution containing fresh pineapple juice or papain or bromelain or pancreatic extract to permit the enzymes contained in these substances to act on the casings to make them less resistant. The casings shall be handled in a clean and sanitary manner throughout and the treatment shall be followed by washing and flushing the casings with water sufficiently to effectively remove the substance used and terminate the enzymatic action.

(b) All substances and ingredients used in the manufacture or preparation of any product shall be clean, sound, healthful, wholesome, and otherwise fit for human food.

(1) On account of the invariable presence of bone splinters, detached spinal cords shall not be used in the preparation of edible product other than for rendering where they constitute a suitable raw material.

(2) Care shall be taken to remove bones and parts of bones from product which is intended for chopping.

(3) Heads for use in the preparation of meat food products shall be split and the bodies of the teeth, the turbinated and ethmoid bones, ear tubes, and horn butts removed, and the heads then thoroughly cleaned.

(4) Kidneys for use in the preparation of meat food products shall first be freely sectioned and then thoroughly soaked and washed. All detached kidneys, including beef kidneys detached with kidney fat, shall be inspected before being used in or shipped from the establishment.

(5) Testicles if handled as an edible product may be shipped from the establishment as such, but they shall not be used as an ingredient of a meat food product.

(6) Cattle paunches and hog stomachs for use in the preparation of meat food products shall be thoroughly cleaned on all surfaces and parts immediately after being emptied of their contents,

which shall follow promptly their removal from the carcasses.

(7) Tonsils shall be removed and shall not be used as ingredients of meat food products.

(8) Hog blood shall not be used as an ingredient of meat food product. No blood which comes in contact with the surface of the body of an animal or is otherwise contaminated shall be collected for food purposes. Only blood from animals the carcasses of which are inspected and passed may be used for meat food products. The defibrination of blood intended for food purposes shall not be performed with the hands.

(9) No prohibited dye, chemical, preservative, or other substance shall be brought into or kept in an official establishment for use as an ingredient of human food or animal feed.

(10) Intestines shall not be used as ingredients of meat food products.

(11) Clotted blood shall be removed from hog hearts before they are shipped from the establishment or used in the preparation of a meat food product.

§ 18.7 Use in preparation of meat food products of chemicals, antioxidants, coloring matter, flavoring, water, ice, cereal, vegetable starch, nonfat dry milk, etc.

(a) No product shall contain any substance which impairs its wholesomeness or which is not approved by the Director of Division.

(b) There may be added to product, with appropriate declaration as required under Parts 16 and 17 of this subchapter, common salt, approved sugars (sucrose (cane or beet sugar), maple sugar, dextrose, invert sugar, honey, corn syrup solids, corn syrup and glucose syrup), wood smoke, vinegar, flavorings, spices, sodium nitrate, sodium nitrite, potassium nitrate (saltpetre) and potassium nitrite.

(c) Monoglycerides and diglycerides may be added to rendered animal fat or a combination of such fat and vegetable fat with appropriate declaration as required in Part 17 of this subchapter.

(d) With appropriate declaration, as provided in Part 17 of this subchapter, the following antioxidants may be added, in the amounts indicated, to rendered animal fat or a combination of such fat and vegetable fat:

(1) Resin gualac not to exceed $\frac{1}{10}$ of 1 percent; or

(2) Nordihydroguaiaretic acid not to exceed $\frac{1}{100}$ of 1 percent; or

(3) Tocopherols not to exceed $\frac{3}{100}$ of 1 percent. (A 30-percent concentration of tocopherols in vegetable oils shall be used when added as an antioxidant to products designated as "lard" or "rendered pork fat"); or

(4) Lecithin: *Provided*, That nothing in this paragraph shall prevent the use of this substance as an emulsifier as approved by the Director of Division; or

(5) Butylated hydroxyanisole (a mixture of 2-tertiary butyl 4-hydroxyanisole and 3-tertiary butyl 4-hydroxyanisole) not to exceed $\frac{1}{100}$ of 1 percent; or

(6) Butylated hydroxytoluene (2,6 di-tertiary butyl paracresol) (2,6 di-tertiary butyl 4-methyl phenol) not to exceed $\frac{1}{100}$ of 1 percent; or

(7) Propyl gallate not to exceed $\frac{1}{100}$ of 1 percent; or

(8) Combinations of two or more of the antioxidants listed in subparagraphs (2), (5), (6) and (7) of this paragraph not to exceed $\frac{1}{100}$ of 1 percent; or

(9) Citric acid and/or phosphoric acid and/or monoisopropyl citrate not to exceed $\frac{1}{100}$ of 1 percent, either alone or in combination with the antioxidants listed in subparagraphs (2), (5), (6), (7), or (8) of this paragraph.

(e) To facilitate chopping and/or to dissolve the usual curing ingredients, water or ice may be used in the preparation of luncheon meat and meat loaf; however, the total amount of water used shall not exceed 3 percent of the ingredients going into the preparation of the product and its presence shall be declared as required under Parts 16 and 17 of this subchapter.

(f) Except as otherwise provided, sausage shall be prepared with meat, or meat and meat byproduct, seasoned with condimental proportions of condimental substances.

(g) Under appropriate declaration as required in Parts 16 and 17 of this subchapter, sausage may contain not more than $3\frac{1}{2}$ percent, individually or collectively, of cereal, vegetable starch, starchy vegetable flour, soya flour, nonfat dry milk, or dried milk.

(h) For the purpose of facilitating chopping and mixing, and under appropriate declaration as required under Parts 16 and 17 of this subchapter, water or ice may be used in the preparation of sausage which is not cooked, in an amount not to exceed 3 percent of the total ingredients used. Sausage of the kind which is cooked, such as frankfurter, vienna, and bologna, may contain not more than 10 percent of added water or moisture.

(i) Bicarbonate of soda, caustic soda, sodium carbonate, diatomaceous earth, fuller's earth, carbon, acetic acid, tannic acid, agents used exclusively as catalysts such as nickel preparations, and such other substances as may be approved by the Director of Division, may be used in the preparation of rendered fats: *Provided*, That they are eliminated during the process of manufacturing.

(j) Caustic soda, sodium carbonate (soda ash or sal soda), trisodium phosphate, or sodium metasilicate, or a combination of these substances, or lime, or a combination of lime and sodium carbonate, and/or a solution of hydrogen peroxide, may be used in the preparation of tripe: *Provided*, That immediately following the treatment the tripe is thoroughly washed with clear water and the added substances removed.

(k) The use of sodium nitrite, potassium nitrite, sodium nitrate or potassium nitrate, or combination of nitrite and nitrate, shall not result in the presence of more than 200 parts per million of nitrite in the finished product. Supplies of sodium nitrite and potassium nitrite and mixtures containing them must be kept securely under the care of a responsible employee of the establishment. The specific nitrite content of such supplies must be known and clearly marked accordingly. The maximum

amounts of sodium nitrite and/or potassium nitrite which may be used are as follows:

- (1) 2 pounds in 100 gallons of pickle.
- (2) 1 ounce for each 100 pounds of meat in dry salt, dry cure, or box cure.
- (3) $\frac{1}{4}$ ounce in 100 pounds of chopped meat and/or meat byproducts.

(l) Harmless synthetic flavoring may be added to products for which they are approved by the Director of Division, and declared as "artificial flavoring", as required under Parts 16 and 17 of this subchapter.

(m) Coloring matter and dyes which are approved by the Director of Division when declared as required under Parts 16 and 17 of this subchapter may be mixed with rendered fats, applied to animal and artificial casings, and applied to such casings enclosing product: *Provided*, That there is no penetration of the coloring matter or dye into the product: *And provided further*, That when coloring matter or dyes are added to meat fat shortening containing artificial flavoring, the product shall be packed in conventional, round, shortening containers having a capacity no greater than 3 lbs. The presence of a visible ring of dyed product appearing around the periphery of the cut surface is evidence of penetration. The following coloring matters and dyes are acceptable:

(1) The natural coloring matters alkanet, annatto, carotene, cochineal, green chlorophyll, saffron, and tumeric.

(2) Coal-tar dyes as follows, subject also to certification by the manufacturer and the furnishing of authoritative evidence to the inspector in charge that the dyes have been certified under the Federal Food, Drug, and Cosmetic Act for use in connection with foods:

Name	Former name
FD&C Blue No. 1	Brilliant Blue FCF
FD&C Blue No. 2	Indigotine
FD&C Green No. 1	Guinea Green B
FD&C Green No. 2	Light Green SP
	Yellowish
FD&C Green No. 3	Fast Green FCF
FD&C Orange No. 1	Orange 1
FD&C Orange No. 2	Orange SS
FD&C Red No. 1	Ponceau 3R
FD&C Red No. 2	Amaranth
FD&C Red No. 3	Erythrosine
FD&C Red No. 4	Ponceau SX
FD&C Red No. 32	Oil Red XO
FD&C Yellow No. 1	Naphthol Yellow S
FD&C Yellow No. 2	Naphthol Yellow S—
	Potassium Salt
FD&C Yellow No. 3	Yellow AB
FD&C Yellow No. 4	Yellow OB
FD&C Yellow No. 5	Tartrazine
FD&C Yellow No. 6	Sunset Yellow FCF

(3) Mixture of two or more dyes mentioned in subparagraphs (1) and (2), of this paragraph, or a mixture of one or more of the dyes with harmless inert materials, such as common salt or sugar.

(n) The preparation of a ham for canning shall not result in an increase in weight of more than 8% over the weight of the fresh uncured ham; that is, the weight of the boneless cured ham at the time of canning, plus the weight of the skin, bones, fat, and trimmings removed from the ham, shall not exceed 108% of the weight of the fresh uncured ham.

(o) For the purpose of preventing coagulation citric acid or sodium citrate

with or without water, may be added to fresh beef blood in an amount not to exceed $\frac{1}{10}$ of 1% of the total mixture. When water is used to make a solution of the citric acid or sodium citrate added to the beef blood, not more than two parts of water to one part of citric acid or sodium citrate shall be used.

(p) Harmless bacterial starters of the acidophilus type may be used in the preparation of such kinds of sausage as thuringer, lebanon bologna, cervelat, salami and pork roll in an amount not to exceed $\frac{1}{2}$ of 1 percent. When used, the harmless bacterial starter shall be included in the list of ingredients in the order of its predominance as required by Parts 16 and 17 of this subchapter.

(q) Corn syrup solids, corn syrup, or glucose syrup shall not be used individually or collectively in an amount exceeding 2 percent (calculated on a dry basis) of all of the ingredients used in preparing such meat food products as sausage, hamburger, meat loaf, luncheon meat, chopped ham, or pressed ham.

(r) Disodium phosphate, sodium hexametaphosphate, sodium tripolyphosphate, sodium pyrophosphate, and sodium acid pyrophosphate, may be added to the pumping pickle for cured hams and pork shoulder picnics and may be used in the preparation of canned chopped ham, provided such use shall not result in more than $\frac{1}{2}$ of 1 percent of added phosphate in the finished product and provided that the maximum amount of such phosphate which may be so used is as follows:

(1) Pumping pickle shall not contain more than 5 percent of such phosphate. When dissolved in pumping pickle, a small quantity of a crystalline precipitate material may be formed. Such pickle shall be filtered or the precipitate allowed to settle so that only the clear solution is injected into product.

(2) With appropriate declaration as required under Parts 16 and 17 of this subchapter, such phosphate may be used in the preparation of canned chopped ham in an amount not to exceed 8 ounces for each 100 pounds of the fresh uncured comminuted ham.

(s) Ascorbic acid or sodium ascorbate may be used in the preparation of cured pork and beef products and comminuted meat food products as follows:

(1) Pickle used for pumping, curing, or packing pork and beef products shall not contain more than $7\frac{1}{2}$ ounces of ascorbic acid or sodium ascorbate to each 100 gallons of pickle.

(2) With appropriate declaration as required under Parts 16 and 17 of this subchapter, ascorbic acid or sodium ascorbate may be used in the preparation of cooked, cured, comminuted meat food products in amounts not to exceed $\frac{1}{4}$ ounce of ascorbic acid or $\frac{3}{4}$ ounce of sodium ascorbate for each 100 pounds fresh meat or meat food product. A solution containing not more than 5 percent ascorbic acid or sodium ascorbate in water or brine may be applied to the outer surface of sliced or unsliced cured pork and beef products and comminuted meat food products prior to packaging. The use of such solution shall not result in the addition of a significant amount of moisture to the product.

(t) With appropriate declaration as required under Parts 16 and 17 of this subchapter, not more than $\frac{1}{1000}$ of 1 percent of butylated hydroxyanisole and $\frac{1}{1000}$ of 1 percent of citric acid may be used in unsmoked dry sausage which is held during preparation in a drying room for purposes of trichinae treatment for the periods prescribed in this subchapter.

§ 18.8 *Preservatives and other substances permitted in product for export only; handling; such product not to be used for domestic food purposes.* (a) Preservatives and other substances not otherwise permitted in Parts 1 through 29 of this subchapter may be used in the preparation and packing of product intended for export provided the product (1) accords to the specifications of the foreign purchaser, (2) is not in conflict with the laws of the country to which it is intended for export, and (3) is labeled on the outside of the shipping container to show that it is intended for export, and is otherwise labeled as required by Parts 1 through 29 of this subchapter for such export product.

(b) The preparation and packing of export product as provided for in paragraph (a) of this section shall be done in a manner acceptable to the inspector in charge so that the identity of the export product is maintained conclusively and the preparation of domestic product is adequately protected. The preservative or other substances not permitted in domestic product shall be stored in a room or compartment separate from areas used to store other supplies and shall be held under Division lock. Use of the preservative or other substances shall be under the personal supervision of a Division employee.

(c) The packing of all articles under paragraph (a) of this section shall be conducted under the personal supervision of a Division employee.

(d) No article prepared or packed for export under paragraph (a) shall be sold or offered for sale for domestic use or consumption, but unless exported shall be destroyed for food purposes under the personal supervision of a Division employee.

(e) The contents of the container of any article prepared or packed for export under paragraph (a) of this section shall not be removed, in whole or in part, prior to exportation, except under the supervision of a Division employee. If such contents be removed prior to exportation, then the article shall be either repacked, in accordance with the provisions of paragraphs (b) and (c) of this section, or destroyed for food purposes under the personal supervision of a Division employee.

(f) Permission must be obtained from the Director of Division before meats packed in borax are shipped from one official establishment to another or to an unofficial establishment for storage, except such meat prepared for the account of Federal agencies.

(g) At all times, the identity of meat to which borax has been added shall be effectively maintained. In no case shall such meat, nor any trimmings or fat derived from such meat, whether un-

washed or washed, or otherwise treated, be diverted to domestic use.

(h) Salt used for bulking meat previously packed in borax may not again be used in an edible products department other than in connection with the packing of meat in borax. If available, only metal equipment should be used for handling such meat. Particularly effective cleansing will be required if wooden equipment, such as trucks, washing vats, etc., is used. Boxes from which boraxed meat has been removed may be used for repacking meat in borax, but their use as containers for other meat will be dependent upon the effective removal of all traces of borax.

(i) The following instructions pertain to export cured pork packed in borax for the account of Federal agencies:

(1) The meat may be packed in borax in a room in which there is borax-free meat, provided proper care is taken to see that the borax-free meat is not affected by the borax. Under the same condition meat packed in borax may be received, unpacked, defrosted, soaked, washed, smoked, and repacked in a room where there is other meat. However, meat originally packed in borax shall at all times be subject to the restrictions of meat so packed, even though repacked without borax. After packing or repacking, borax meat may be stored in a room with meat not packed in borax, provided a reasonable degree of separation is maintained between the two classes of product.

§ 18.9 *Samples of products, water, dyes, chemicals, etc., to be taken for examination.* Samples of products, water, dyes, chemicals, preservatives, spices, or other articles in any official or exempted establishment shall be taken, without cost to the Division, for examination, as often as may be deemed necessary for the efficient conduct of the inspection.

§ 18.10 *Prescribed treatment of pork and products containing pork to destroy trichinae.* (a) All forms of fresh pork, including fresh unsmoked sausage containing pork muscle tissue, and pork such as bacon and jowls, other than those covered by paragraph (b) of this section, are classed as products that are customarily well cooked in the home or elsewhere before being served to the consumer. Therefore, the treatment of such products for the destruction of trichinae is not required.

(b) Products named in this paragraph, and products of the character thereof, containing pork muscle tissue (including hearts, pork stomachs and pork livers), or the pork muscle tissue which forms an ingredient of such products, shall be effectively heated, refrigerated, or cured at a federally inspected establishment to destroy any possible live trichinae: Bologna; frankfurts; viennas; smoked sausage; knoblauch sausage; mortadella; all forms of summer or dried sausage, including mettwurst; cooked loaves; roasted, baked, boiled, or cooked hams, pork shoulders, or pork shoulder picnics; Italian-style hams; Westphalia-style hams; smoked boneless pork shoulder butts; cured meat rolls; capocollo (capicola, capicola); coppa; fresh or cured boneless pork shoulder butts,

hams, loins, shoulders, shoulder picnics, and similar pork cuts, in casings or other containers in which ready-to-eat delicatessen articles are customarily enclosed (excepting Scotch-style hams); frozen breaded pork products over 1/2 inch in thickness; cured boneless pork loins; boneless back bacon; smoked pork cuts such as hams, shoulders, loins and pork shoulder picnics (excepting smoked hams and smoked pork shoulder picnics which are specially prepared for distribution in tropical climates or smoked hams delivered to the Armed Services). Cured boneless pork loins shall be subjected to prescribed treatment for destruction of trichinae prior to being shipped from the establishment where cured.

(c) The treatment shall consist of heating, refrigerating, or curing, as follows:

(1) *Heating.* (i) All parts of the pork muscle tissue shall be heated to a temperature not lower than 137° F., and the method used shall be one known to insure such a result. On account of differences in methods of heating and in weights of products undergoing treatment it is impracticable to specify details of procedures for all cases.

(ii) Procedures which insure the proper heating of all parts of the product shall be adopted. It is important that each piece of sausage, each ham, and other product treated by heating in water be kept entirely submerged throughout the heating period; and that the largest pieces in a lot, the innermost links of bunched sausage or other massed articles, and pieces placed in the coolest part of a heating cabinet or compartment or vat be included in the temperature tests.

(2) *Refrigerating.* At any stage of preparation and after preparatory chilling to a temperature of not above 40° F. or preparatory freezing, all parts of the muscle tissue of pork or product containing such tissue shall be subjected continuously to a temperature not higher than one of those specified in Table 1, the duration of such refrigeration at the specified temperature being dependent on the thickness of the meat or inside dimensions of the container.

TABLE 1—REQUIRED PERIOD OF FREEZING AT TEMPERATURE INDICATED

Temperature	Group 1	Group 2
° F.	Days	Days
5	20	30
-10	10	20
-20	6	12

(i) Group 1 comprises product in separate pieces not exceeding 6 inches in thickness, or arranged on separate racks with the layers not exceeding 6 inches in depth, or stored in crates or boxes not exceeding 6 inches in depth, or stored as solidly frozen blocks not exceeding 6 inches in thickness.

(ii) Group 2 comprises product in pieces, layers, or within containers, the thickness of which exceeds 6 inches but not 27 inches, and product in containers including tierces, barrels, kegs, and cartons having a thickness not exceeding 27 inches.

(iii) The product undergoing such refrigeration or the containers thereof shall be so spaced while in the freezer as will insure a free circulation of air between the pieces of meat, layers, blocks, boxes, barrels, and tierces in order that the temperature of the meat throughout will be promptly reduced to not higher than 5° F., -10° F., or -20° F., as the case may be.

(iv) During the period of refrigeration the product shall be kept separate from other products and in the custody of the Division. Rooms or compartments equipped for being made secure with Division lock or seal shall be provided. The rooms or compartments containing product undergoing freezing shall be equipped with accurate thermometers placed at or above the highest level at which the product undergoing treatment is stored and away from refrigerating coils. After completion of the prescribed freezing of pork to be used in the preparation of product covered by paragraph (b) of this section, the pork shall be kept under close supervision of an inspector until it is prepared in finished form as one of the products enumerated in paragraph (b) of this section, or until it is transferred under Division control to another establishment for preparation in such finished form.

(v) Pork which has been refrigerated as specified in this subparagraph may be transferred in sealed railroad cars, sealed motortrucks, sealed trailers, or sealed closed containers to another official establishment at the same or another station, for use in the preparation of product covered by paragraph (b) of this section. The sealing of closed containers, such as boxes and slack barrels, shall be effected by cording and affixing thereto Division seals, and such containers as tierces and kegs shall be held in Division custody by sealing with wax impressed with a Division metal brand. Railroad cars, motortrucks, and trailers shall, when necessary, be sealed with Division car seals. Properly sealed and marked closed containers may be shipped with other meat in unsealed railroad cars, motortrucks, and trailers. Containers such as boxes, barrels and tierces shall be plainly and conspicuously marked with a label or stencil furnished by the establishment, as follows: "Pork product -- degrees F. -- days' refrigeration," indicating the temperature at which the product was refrigerated and the length of time so treated. For each consignment there shall be promptly issued and forwarded to the inspector in charge at destination a report on the form entitled "Notice of Unmarked Meats Shipped in Sealed Cars," appropriately modified to show the character of the containers, and that the contents are "Pork product -- degrees F. -- days' refrigeration." A duplicate copy shall be retained in the station file.

(3) *Curing.* (i) *Sausage.* Sausage may be stuffed in animal casings, hydrocellulose casings, or cloth bags. During any stage of treating the sausage for the destruction of live trichinae, except as provided in Method 5, these coverings shall not be coated with paraffin or like substance, nor shall any sausage be washed during any prescribed period of

drying. In the preparation of sausage, one of the following methods may be used:

Method No. 1. The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3½ pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After being stuffed, sausage having a diameter not exceeding 3½ inches, measured at the time of stuffing, shall be held in a drying room not less than 20 days at a temperature not lower than 45° F., except that in sausage of the variety known as pepperoni, if in casings not exceeding 1½ inches in diameter measured at the time of stuffing, the period of drying may be reduced to 15 days. In no case, however, shall the sausage be released from the drying room in less than 25 days from the time the curing materials are added, except that sausage of the variety known as pepperoni, if in casings not exceeding the size specified, may be released at the expiration of 20 days from the time the curing materials are added. Sausage in casings exceeding 3½ inches, but not exceeding 4 inches, in diameter at the time of stuffing, shall be held in a drying room not less than 35 days at a temperature not lower than 45° F., and in no case shall the sausage be released from the drying room in less than 40 days from the time the curing materials are added to the meat.

Method No. 2. The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3½ pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After being stuffed, the sausage having a diameter not exceeding 3½ inches, measured at the time of stuffing, shall be smoked not less than 40 hours at a temperature not lower than 80° F., and finally held in a drying room not less than 10 days at a temperature not lower than 45° F. In no case, however, shall the sausage be released from the drying room in less than 18 days from the time the curing materials are added to the meat. Sausage exceeding 3½ inches, but not exceeding 4 inches, in diameter at the time of stuffing, shall be held in a drying room, following smoking as above indicated, not less than 25 days at a temperature not lower than 45° F., and in no case shall the sausage be released from the drying room in less than 33 days from the time the curing materials are added to the meat.

Method No. 3. The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3½ pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After admixture with the salt and other curing materials and before stuffing, the ground or chopped meat shall be held at a temperature not lower than 34° F. for not less than 36 hours. After being stuffed the sausage shall be held at a temperature not lower than 34° F. for an additional period of time sufficient to make a total of not less than 144 hours from the time the curing materials are added to the meat, or the sausage shall be held for the time specified in a pickle-curing medium of not less than 50° strength (salometer reading) at a temperature not lower than 44° F. Finally, the sausage having a diameter not exceeding 3½ inches, measured at the time of stuffing, shall be smoked for not less than 12 hours. The temperature of the smokehouse during this period at no time shall be lower than 90° F.; and for 4 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 128° F. Sausage exceeding 3½

inches, but not exceeding 4 inches, in diameter at the time of stuffing shall be smoked, following the prescribed curing, for not less than 15 hours. The temperature of the smokehouse during the 15-hour period shall at no time be lower than 90° F., and for 7 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 128° F. In regulating the temperature of the smokehouse for the treatment of sausage under this method, the temperature of 128° F. shall be attained gradually during a period of not less than 4 hours.

Method No. 4. The meat shall be ground or chopped into pieces not exceeding one-fourth of an inch in diameter. A dry-curing mixture containing not less than 2½ pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After admixture with the salt and other curing materials and before stuffing, the ground or chopped sausage shall be held as a compact mass, not more than 6 inches in depth, at a temperature not lower than 36° F. for not less than 10 days. At the termination of the holding period, the sausage shall be stuffed in casings or cloth bags not exceeding 3½ inches in diameter, measured at the time of stuffing. After being stuffed, the sausage shall be held in a drying room at a temperature not lower than 45° F. for the remainder of a 35-day period, measured from the time the curing materials are added to the meat. At any time after stuffing, if a concern deems it desirable, the product may be heated in a water bath for a period not to exceed 3 hours at a temperature not lower than 85° F., or subjected to smoking at a temperature not lower than 80° F., or the product may be both heated and smoked as specified. The time consumed in heating and smoking, however, shall be in addition to the 35-day holding period specified.

Method No. 5. The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3½ pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After being stuffed the sausage shall be held for not less than 65 days at a temperature not lower than 45° F. The coverings for sausage prepared according to this method may be coated at any stage of the preparation before or during the holding period with paraffin or other substance approved by the Director of Division.

(ii) *Capocollo (capicola, capicola).* Boneless pork butts for capocollo shall be cured in a dry-curing mixture containing not less than 4½ pounds of salt per hundredweight of meat for a period of not less than 25 days at a temperature not lower than 36° F. If the curing materials are applied to the butts by the process known as churning, a small quantity of pickle may be added. During the curing period the butts may be overhauled according to any of the usual processes of overhauling, including the addition of pickle or dry salt if desired. The butts shall not be subjected during or after curing to any treatment designed to remove salt from the meat, except that superficial washing may be allowed. After being stuffed, the product shall be smoked for a period of not less than 30 hours at a temperature not lower than 80° F., and shall finally be held in a drying room not less than 20 days at a temperature not lower than 45° F.

(iii) *Coppa.* Boneless pork butts for coppa shall be cured in a dry-curing mixture containing not less than 4½ pounds of salt per hundredweight of meat for

a period of not less than 18 days at a temperature not lower than 36° F. If the curing mixture is applied to the butts by the process known as churning, a small quantity of pickle may be added. During the curing period the butts may be overhauled according to any of the usual processes of overhauling, including the addition of pickle or dry salt if desired. The butts shall not be subjected during or after curing to any treatment designed to remove salt from the meat, except that superficial washing may be allowed. After being stuffed, the product shall be held in a drying room not less than 35 days at a temperature not lower than 45° F.

(iv) *Hams.* In the curing of hams either of the following methods may be used:

Method No. 1. The hams shall be cured by a dry-salt curing process not less than 40 days at a temperature not lower than 36° F. The hams shall be laid down in salt, not less than 4 pounds to each hundredweight of hams, the salt being applied in a thorough manner to the lean meat of each ham. When placed in cure the hams may be pumped with pickle if desired. At least once during the curing process the hams shall be overhauled and additional salt applied, if necessary, so that the lean meat of each ham is thoroughly covered. After removal from cure the hams may be soaked in water at a temperature not higher than 70° F. for not more than 15 hours, during which time the water may be changed once; but they shall not be subjected to any other treatment designed to remove salt from the meat, except that superficial washing may be allowed. The hams shall finally be dried or smoked not less than 10 days at a temperature not lower than 95° F.

Method No. 2. The hams shall be cured by a dry-salt curing process at a temperature not lower than 36° F. for a period of not less than 3 days for each pound of weight (green) of the individual hams. The time of cure of each lot of hams placed in cure should be calculated on a basis of the weight of the heaviest ham of the lot. Hams cured by this method, before they are placed in cure, shall be pumped with pickle solution of not less than 100° strength (salometer), about 4 ounces of the solution being injected into the shank and a like quantity along the flank side of the body bone (femur). The hams shall be laid down in salt, not less than 4 pounds of salt to each hundredweight of hams, the salt being applied in a thorough manner to the lean meat of each ham. At least once during the curing process the hams shall be overhauled and additional salt applied, if necessary, so that the lean meat of each ham is thoroughly covered. After removal from the cure the hams may be soaked in water at a temperature not higher than 70° F. for not more than 4 hours, but shall not be subjected to any other treatment designed to remove salt from the meat, except that superficial washing may be allowed. The hams shall then be dried or smoked not less than 48 hours at a temperature not lower than 80° F., and finally shall be held in a drying room not less than 20 days at a temperature not lower than 45° F.

(v) *Boneless pork loins and loin ends.* In lieu of heating or refrigerating to destroy trichinae in boneless loins, the loins shall be cured for a period of not less than 25 days at a temperature not lower than 36° F. by the use of one of the following methods:

Method No. 1. A dry-salt curing mixture containing not less than 5 pounds of salt to each hundredweight of meat.

Method No. 2. A pickle solution of not less than 80° strength (salometer) on the basis of not less than 60 pounds of pickle to each hundredweight of meat.

Method No. 3. A pickle solution added to the approved dry-salt cure provided the pickle solution is not less than 80° strength (salometer).

(vi) After removal from cure, the loins may be soaked in water for not more than 1 hour at a temperature not higher than 70° F. or washed under a spray but shall not be subjected, during or after the curing process, to any other treatment designed to remove salt.

(vii) Following curing, the loins shall be smoked for not less than 12 hours. The minimum temperature of the smokehouse during this period at no time shall be lower than 100° F., and for 4 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 125° F.

(viii) Finally, the product shall be held in a drying room for a period of not less than 12 days at a temperature not lower than 45° F.

(d) **General instructions.** When necessary to comply with these instructions, the smokehouses, drying rooms, and other compartments used in the treatment of pork to destroy trichinae shall be suitably equipped, by the establishment, with accurate automatic recording thermometers. Inspectors in charge are authorized to approve for use in sausage smokehouses, drying rooms, and other compartments, such automatic recording thermometers as are found to give satisfactory service. To insure the effective administration of this section, inspectors who supervise the handling and treatment of pork to destroy live trichinae shall:

(1) Recognize the importance of safeguarding the consumer and follow carefully the instructions concerning the treatment of pork to destroy trichinae.

(2) Check the internal temperatures, with Division thermometers, of all products subjected to the heating method.

(3) Test frequently, with Division thermometers, the reliability of establishment thermometers (including automatic recording thermometers) and reject for use any found to be inaccurate and unreliable.

(4) Observe Division thermometers carefully in order that none be used which have become defective or of questionable accuracy.

(5) Supervise in a methodical manner the handling, in drying, refrigerating, and curing departments, of pork product under treatment for the destruction of live trichinae, and keep conveniently available, at the official establishment for Division use, such records as may be necessary and informative of each lot of product under treatment.

(e) The requirements of this section to destroy possible live trichinae in the products of a kind enumerated in paragraph (b) of this section apply to products which are exempted from inspection.

§ 18.11 **Canning with heat processing and hermetically sealed containers; cleaning containers; closure; code marking; heat processing; incubation.** (a)

Containers shall be cleaned thoroughly immediately before filling, and precaution must be taken to avoid soiling the inner surfaces subsequently.

(b) Containers of metal, glass, or other material shall be washed in an inverted position with running water at a temperature of at least 180° F. The container-washing equipment shall be provided with a thermometer to register the temperature of the water used for cleaning the containers.

(c) Nothing less than perfect closure is acceptable for hermetically sealed containers. Heat processing shall follow promptly after closing.

(d) Careful inspection shall be made of the containers by competent establishment employees immediately after closing, and containers which are defectively filled, defectively closed or those showing inadequate vacuum, shall not be processed until the defect has been corrected. The containers shall again be inspected by establishment employees when they have cooled sufficiently for handling after processing by heating. The contents of defective containers shall be condemned unless correction of the defect is accomplished within six hours following the sealing of the containers or completion of the heat processing, as the case may be, except that

(1) if the defective condition is discovered during an afternoon run the cans of product may be held in coolers at a temperature not exceeding 38° F. under conditions that will promptly and effectively chill them until the following day when the defect may be corrected; (2) short vacuum or overstuffed cans of product which have not been handled in accordance with the above may be incubated under Division supervision, after which the cans shall be opened and the sound product passed for food; and (3) short vacuum or overstuffed cans of product of a class permitted to be labeled, "Perishable, Keep Under Refrigeration" and which have been kept under adequate refrigeration since processing may be opened and the sound product passed for food.

(e) Canned products shall not be passed unless after cooling to atmospheric temperature, they show the external characteristics of sound cans; that is, the cans shall not be overfilled; they shall have concave sides, excepting the seam side, and all ends shall be concave; there shall be no bulging; the sides and ends shall conform to the product; and there shall be no slack or loose tin.

(f) All canned products shall be plainly and permanently marked on the containers by code or otherwise with the identity of the contents and date of canning. The code used and its meaning shall be on record in the office of the inspector in charge.

(g) Canned product must be processed at such temperature and for such period of time as will assure keeping without refrigeration under usual conditions of storage and transportation when heating is relied on for preservation, with the exception of those canned products which are processed without steam-pressure cooking by permission of the director of division and labeled "Perishable, Keep Under Refrigeration."

(h) Lots of canned product shall be identified during their handling preparatory to heat processing by tagging the baskets, cages or cans with a tag which will change color on going through the heat processing or by other effective means so as to positively preclude failure to heat process after closing.

(i) Facilities shall be provided to incubate at least representative samples of the product of fully processed canned product. The incubation shall consist of holding the canned product for at least 10 days at about 98° F.

(1) The extent to which incubation tests shall be required depends on conditions such as the record of the establishment in conducting canning operations, the extent to which the establishment furnishes competent supervision and inspection in connection with the canning operations, the character of the equipment used, and the degree to which such equipment is maintained at maximum efficiency. Such factors shall be considered by the inspector in charge in determining the extent of incubation testing at a particular establishment.

(2) In the event of failure by an establishment to provide suitable facilities for incubation of test samples, the inspector in charge may require holding of the entire lot under such conditions and for such period of time as may, in his discretion, be necessary to establish the stability of the product.

(3) The inspector in charge may permit lots of canned product to be shipped from the establishment prior to completion of sample incubation when he has no reason to suspect unsoundness in the particular lots, and under circumstances which will assure the return of the product to the establishment for reinspection should such action be indicated by the incubation results.

§ 18.12 **Preparation of dog food or similar uninspected article at official establishments; edible products department; inedible products department; denaturing.** (a) When dog food, or similar uninspected article is prepared in an edible product department, there shall be sufficient space allotted and adequate equipment provided so that the preparation of the uninspected article in no way interferes with the handling or preparation of products. Where necessary, separate equipment shall be provided for the uninspected article. To assure the maintenance of sanitary conditions in the edible product departments, the operations incident to the preparation of the uninspected article will be subject to the same sanitary requirements that apply to all operations in edible product departments. The preparation of the uninspected article shall be limited to those hours during which the establishment generally operates under inspectional supervision. That is, there shall be no handling, other than receiving at the establishment, of any of the meat, meat byproducts, or meat food product ingredient of the uninspected article, other than during the regular hours of inspection. The materials used in the preparation of the uninspected article shall not be such as would interfere with the inspection of product or the maintenance

nance of sanitary conditions in the department. The uninspected article may be stored in, and distributed from, edible product department: *Provided*, That adequate facilities are furnished, that there is no interference with the maintenance of sanitary conditions, and that it is properly identified.

(b) When dog food or similar uninspected article is prepared in a part of an official establishment other than an edible product department, the area in which the dog food is prepared shall be separated from edible product departments in a manner similar to that required for separation between edible product departments and inedible product departments. Sufficient space must be allotted and adequate equipment provided so that the preparation of the uninspected article does not interfere with the proper functioning of the other operations at the establishment. Nothing in this paragraph shall be construed as permitting any deviation from the requirement that inedible materials, dead animals, and the like, of whatever origin, must be placed in the inedible product rendering equipment, and without undue delay. The preparation of the uninspected product must be such as not to interfere with the maintenance of general sanitary conditions on the premises, and it shall be subject to inspectional supervision similar to that exercised over inedible product departments. There shall be no return of any product to edible product departments. Trucks, barrels, and other equipment shall be cleaned before being returned to edible product departments from inedible product departments. Unoffensive material prepared outside edible product departments may be stored in, and distributed from, edible product departments only if packaged in clean, properly identified, sealed containers.

(c) Dog food or other animal food prepared, in whole or in part, from materials derived from cattle, sheep, swine, goats, or horses, shall be distinguished from articles of human food, so as to avoid the distribution of such animal food as human food. To accomplish this, labeling of hermetically sealed, re-tort processed, conventional retail size containers, as, for example, "dog food" will be considered sufficient. If not in such containers the product must not only be properly identified, but it must be of such character or so treated (denatured or decharacterized) as to be readily distinguishable from an article of human food. Dog food shall not be represented as being a human food.

§ 18.13 Mixtures containing product but not amenable to Meat Inspection Act. Mixtures containing product but not classed as coming under the Meat Inspection Act shall not bear the inspection legend or any abbreviation or representation thereof. When such article is prepared in any part of an official establishment, the sanitation of that part of the establishment shall be supervised by Division employees and the preparation of such article shall not cause any deviation from the requirement that no uninspected products be brought into the establishment.

§ 18.14 Contamination of product by flood water, etc.; procedure for handling.

(a) Any product which has been contaminated by flood water, harbor water, or like polluted water, shall be condemned.

(b) After flood water has receded, the establishment shall, under the supervision of a Division employee, thoroughly cleanse all walls, ceilings, posts, and floors of the rooms and compartments involved, including the equipment therein. An adequate supply of hot water, under pressure, is essential for effective cleansing of the rooms and equipment. After cleansing, a solution of sodium hypochlorite containing approximately $\frac{1}{2}$ of 1% available chlorine (5,000 parts per million), or other disinfectant approved by the Director of Division should be applied to the surface of the rooms. Where the solution has been applied to equipment which will afterwards contact meat, the equipment shall be rinsed with clean water before being used. All metal should be rinsed with clean water to prevent corrosion.

(c) Hermetically sealed containers of product which has been submerged or otherwise contaminated as in paragraph (a) of this section shall be rehandled promptly under supervision of a Division employee as follows:

(1) Separate and condemn all product the containers of which show extensive rusting or corrosion, such as might materially weaken the container, as well as any swollen, leaky, or otherwise suspicious container.

(2) Remove paper labels and wash the containers in warm soapy water, using a brush where necessary to remove rust or other foreign material, immerse in a solution of sodium hypochlorite containing not less than 100 parts per million of available chlorine or other disinfectant approved specifically for this purpose by the Director of Division, and rinse in clean fresh water and dry thoroughly.

(3) After handling as in subparagraph (2) of this paragraph, the containers may be relacquered, if necessary, and then relabeled with approved labels applicable to the product therein.

(4) The identity of the canned product shall be maintained throughout all stages of the rehandling operations, to insure correct labeling of the containers.

§ 18.15 Glands and organs for use in preparing pharmaceutical, organotherapeutic, or technical products.

(a) (1) Glands and organs which are not used as food products, such as cotyledons, ovaries, prostate glands, tonsils, spinal cords, and detached lymphatic, pineal, pituitary, parathyroid, suprarenal, and thyroid glands, may be shipped interstate either by establishments operating under inspection or by those which do not operate under inspection: *Provided*, That the containers shall be plainly marked "For pharmaceutical purposes," "For organotherapeutic purposes," or "For technical purposes," without any reference to inspection.

(2) Organs in this category may be brought into and stored in edible product departments of inspected establishments or shipped with edible product if packaged in suitable containers which will in

no way interfere with the maintenance of sanitary conditions or constitute an interference with inspection.

(b) Glands or organs which are regarded as food products, such as pancreatic glands, livers, testicles, and thymus, may be shipped interstate or brought into official establishments for pharmaceutical, organotherapeutic, or technical purposes, only if U. S. inspected and passed and so identified.

§ 18.16 Tagging chemicals, preservatives, cereals, spices, etc., "U. S. retained." When any chemical, preservative, cereal, spice, or other substance is presented for use in an official establishment, it shall be examined by a Division employee, and if found to be unfit or otherwise unacceptable for the use intended, or if final decision regarding acceptance is deferred pending laboratory or other examination, the employee shall attach a "U. S. retained" tag to the substance or container thereof. The substance so tagged shall be kept separate from other substances as the inspector in charge may require, shall not be used until the tag is removed, and such removal shall be only by a Division employee after a finding that the substance can be accepted, or, in the case of an unacceptable substance, when it is removed from the establishment.

§ 18.17 Product for educational uses, laboratory examination, and other purposes. When authorized by the Director of Division, product of special type or kind may be shipped or transported from official establishments for educational uses, laboratory examination, and other purposes.

PART 20—REPORTS

- Sec.
20.1 Inspection reports.
20.2 Daily reports.
20.3 Establishments to furnish information for reports.
20.4 Reports on sanitation.

AUTHORITY: §§ 20.1 to 20.4 issued under 34 Stat. 1284, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89.

§ 20.1 Inspection reports. Reports of the work of inspection carried on in every official establishment and elsewhere shall be forwarded to the Division by the inspector in charge, on such forms and in such manner as may be specified by the Director of Division.

§ 20.2 Daily reports. Division employees shall make daily reports of the amounts of articles handled or prepared in the subdivisions of the establishments to which they are assigned and of such other things as the Director of Division or inspector in charge may require.

§ 20.3 Establishments to furnish information for reports. Each official establishment shall furnish to Division employees accurate information as to all matters needed by them for making their reports pursuant to § 20.2.

§ 20.4 Reports on sanitation. Reports on sanitation shall be made by the Division employees assigned to the various subdivisions of official establishments to the inspector in charge, and by the inspector in charge to the Director of

Division or to the person designated by him.

PART 21—APPEALS

§ 21.1 *Appeals from meat inspection actions.* Any appeal from a decision of an employee of the Division shall be made to his immediate superior having jurisdiction over the subject matter of the appeal.

(34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89)

PART 22—COOPERATION WITH LOCAL AUTHORITIES

Sec.
22.1 Inspectors in charge to cooperate with Federal, State, and other local authorities.
22.2 Definite cooperative arrangements to be approved by the Division.

AUTHORITY: §§ 22.1 and 22.2 issued under 34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89.

§ 22.1 *Inspectors in charge to cooperate with Federal, State, and other local authorities.* Inspectors in charge shall confer with Federal, State, municipal and other local officials at their stations and inform them of the Federal meat-inspection service, what the Division is accomplishing in that particular locality, and, in turn, ascertain what is being done by the local officials.

§ 22.2 *Definite cooperative arrangements to be approved by the Division.* If it be proposed to adopt a definite cooperative arrangement, the details thereof shall be submitted to and approved by the Director of Division before it is put into effect.

PART 23—BRIBERY, COUNTERFEITING, ETC.

Sec.
23.1 Bribes.
23.2 Inspection marks, etc.; forging, counterfeiting, etc.; improper use and handling.

AUTHORITY: §§ 23.1 and 23.2 issued under 34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89.

§ 23.1 *Bribes.* (a) It is a felony, punishable by fine and imprisonment, for any person, firm, or corporation, or any agent or employee thereof, to give, pay, or offer, directly or indirectly, to any Division employee authorized to perform any duty prescribed by the Meat Inspection Act or the regulations in Parts 1 through 29 of this subchapter, any money or other thing of value with intent to influence such employee in the discharge of his duty. It is also a felony, punishable by discharge from office and by fine and imprisonment, for any Division employee engaged in the performance of any duty prescribed by the Meat Inspection Act or the regulations in Parts 1 through 29 of this subchapter to accept from any person, firm, or corporation, or from any agent or employee of such person, firm, or corporation, any gift, money, or other thing of value given with intent to influence his official action, or to receive or accept from any person, firm, or corporation engaged in interstate or foreign commerce any gift, money, or any

other thing of value given for any purpose or intent whatsoever.

(b) Division employees shall not procure product from an official establishment except through the retail market when such a market is maintained. In the absence of such retail market, Division employees shall not procure product from an official establishment unless such establishment sells such product direct to its own employees. Division employees must obtain receipts for money paid to official establishments for product.

§ 23.2 *Inspection marks, etc.; forging, counterfeiting, etc.; improper use and handling.* It is a misdemeanor, punishable by fine and imprisonment, for any person, firm, or corporation, or officer, agent, or employee thereof, to forge, counterfeit, simulate, or falsely represent, or without proper authority to use, fail to use, or detach, or knowingly or wrongfully to alter, deface, or destroy, or to fail to deface or destroy, any of the marks, stamps, tags, labels, or other identification devices provided for in the Meat Inspection Act or in and as directed by the regulations in Parts 1 through 29 of this subchapter, on any carcass, part of carcass or the product or containers thereof, subject to the provisions of the Meat Inspection Act, or any certificate in relation thereto authorized or required in the Meat Inspection Act or as directed in the regulations in Parts 1 through 29 of this subchapter.

PART 24—EXPORT STAMPS AND CERTIFICATES¹

Sec.
24.1 Manner of affixing stamps and marking product for export.
24.2 Export stamps and certificates; instructions concerning issuance.
24.3 Export transportation without certificate prohibited; special procedure or requirements as to certification of product for export to certain countries.
24.4 Special requirements as to product for export to countries named in this section.
24.5 Special requirements as to animal casings for export to countries named in this section; certificates, stamps, handling, etc.
24.6 Export casings, bladders, hoofs, horns, grease and similar inedible animal products.
24.7 Uninspected tallow, stearin, oleo oil, etc.; not to be exported unless exporter certifies as inedible.
24.8 Product packed with preservative for export; required stamps and certificates; affixing and removal of stamps.

AUTHORITY: §§ 24.1 to 24.8 issued under 34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89.

§ 24.1 *Manner of affixing stamps and marking product for export.* (a) A numbered meat-inspection stamp shall be affixed to each outside container (except cloth wrappings) of any inspected and passed product for export except ship

¹ Attention is directed to the requirements of Part 25, of this subchapter, governing transportation, and to the requirements of § 18.8 of this subchapter that articles prepared under that section for export be destroyed for food purposes before being sold or offered for sale for domestic use.

stores and small quantities exclusively for the personal use of the consignee and not for sale or distribution. So far as possible stamps shall be issued serially.

(b) Such stamps shall be securely affixed, and if the container be of wood the stamps shall be placed either (1) in a grooved space made by removing a portion of the wood of sufficient size to admit the stamp, (2) on either end of the package, provided that the sides thereof are made to project at least one-eighth of an inch to afford the necessary protection from abrasion, or (3) in some other equally satisfactory manner acceptable to the inspector in charge.

(c) The cloth wrapping used as an outside container of any inspected and passed product for export shall bear the inspection legend and the establishment number applied by the 2½-inch rubber brand, except that the cloth wrappings used as outside containers of such exportations to Great Britain are required to bear numbered export meat-inspection stamps securely affixed. The export mark of inspection may be applied by means of the rubber brand to the cloth coverings of inspected and passed product for export account of any Federal agency, regardless of the country of destination, provided such marking in lieu of export stamps is authorized by the agency concerned.

(d) A numbered meat inspection stamp shall be affixed to each tank car of inspected and passed lard or similar edible product, and to each door of each railroad car or other closed vehicle containing a full load of inspected and passed loose meat shipped direct to Canada, Cuba, or Mexico.

§ 24.2 *Export stamps and certificates; instructions concerning issuance.* (a) Upon application of the exporter, the inspector in charge is authorized to issue certificates for shipments of inspected and passed product to any foreign country. Certificates should be issued at the time the articles leave the establishments; if not issued at that time they may be issued later only after identification and reinspection of the products.

(b) Export certificates shall be issued in serial numbers and in triplicate form. Quadruplicate certificates may be issued for any exportation on request of the exporter. Each certificate shall show the names of the exporter and the consignee, the destination, the numbers of the stamps, if any, attached to the articles to be exported, the number and type of packages, the shipping marks, the kind of product, and the weight. On certificates showing a Federal agency as exporter, if desired by the agency concerned, the words "For Export" may be used in lieu of name of consignee and destination, and the certificate should also show (1) on the date line, the name of the station at which they are issued, (2) under "Description and Marks," the additional statement "Establishment No. _____," and (3) the initials and numbers of the railway cars in which the products are forwarded from the contractor's establishment.

(c) Only one certificate shall be issued for each consignment, except that for

sufficient reasons new certificates may be issued by inspectors in charge. A certificate issued in lieu of another should show in the left hand margin the notation "Issued in lieu ____". A certificate that is cancelled when another is issued in lieu thereof, shall show in the left hand margin the number of the certificate which was issued in lieu, as follows: "No. ____ in lieu."

(d) The original certificate shall be delivered to the shipper and shall be used only for the purpose of effecting the transportation and delivery of the consignment.

(e) The duplicate of the certificate shall be delivered to the shipper and by him delivered to the agent of the railroad or other carrier which transports the consignment from the United States otherwise than by water, or to the chief officer of the vessel on which the export shipment is made and without which no clearance shall be given to any vessel having aboard any product destined to countries listed in § 24.3 (a), and shall be used only by these agencies and for the purpose of effecting the transportation of the consignment certified. The chief officer of the vessel shall file such duplicate with the customs officer at the time of filing the master's manifest or the supplemental manifest.

(f) The triplicate of the certificate shall be retained in the station file.

(g) Under no circumstances shall the original or the triplicate of such certificate be used for the purpose for which it is prescribed by paragraph (e) of this section that the duplicate shall be used.

(h) Certificates and stamps may be issued by inspectors in charge, upon request, for export consignments of product of official establishments not under their supervision, provided the consignments are first identified as having been "U. S. inspected and passed" and are found to be sound, healthful, wholesome, and fit for human food.

(i) No erasures or alterations shall be made on a certificate. All certificates rendered useless through clerical error or otherwise and all certificates cancelled for whatever cause shall be destroyed.

(j) All export certificates shall be so executed that the data entered thereon will appear in the proper spaces on each copy of the certificate.

§ 24.3 *Export transportation without certificate prohibited; special procedure or requirements as to certification of product for export to certain countries.*

(a) No person operating any steam or sailing vessel, and no railroad or other carrier, shall receive for transportation or transport from the United States to Great Britain or Ireland, or any of the countries of continental Europe, or to Canada, Venezuela, Argentina, Peru, Colombia, the French Antilles, Cuba, Bermuda, or Algeria, any product, except ship stores and small quantities exclusively for the personal use of the consignee and not for sale or distribution, unless and until a certificate of inspection covering the same has been issued and delivered as provided in this part. The requirement of export certificates is waived for product exported to countries other than those named in this para-

graph. The waiving of the requirement of export certificates for product exported to certain countries does not waive the requirements of § 24.1.

(b) Export certificates for shipments of inspected and passed product to Italy, Argentina, Venezuela, Dominican Republic, Colombia, Ecuador, Haiti, Norway, Poland, Guatemala, and Salvador shall be visaed by the consul of the country of destination at the place of origin or the first port.

(c) Form MI 412-8, which is printed in English on the obverse side and in French on the reverse side, shall be issued for each consignment of product destined to Algeria, Belgium, France, and Poland, in addition to the regular export certificate. The Form MI 412-8 shall be fully executed and signed on both sides.

(d) Form MI 412-8 and Form MI 412-9 must bear the official seal of the Division inspector in charge who issues the certificates.

(e) *Canada.* (1) Export certificates shall not be issued for shipments of livers to Canada unless the portal lymph glands are intact.

(2) Export certificates shall not be issued for any shipment of artificially colored product for Canada.

(3) Export certificates for carload shipments of inspected and passed product in bulk to Canada shall show the car numbers and initials.

(4) Regular export certificates shall be issued in quadruplicate for product destined to Canada.

(f) *Colombia.* Form MI 412-7, which is printed in English on the obverse side and in Spanish on the reverse side, shall be issued in quintuplicate for lard destined to Colombia, South America. The certificate shall be fully executed and signed on both sides. The fifth copy shall be retained in the station file.

(g) *Dominican Republic.* Regular export certificates shall be issued in quadruplicate for product destined to the Dominican Republic.

(h) *Ecuador.* A special certificate on an official letterhead shall be issued for lard destined to Ecuador, showing the description and marks as well as the serial number of the regular export certificate issued for the product and the statement that the lard contains "no added stearine" or "not more than 10 percent added stearine" as the case may be. Inspectors in charge are also directed to issue an additional copy of the regular and special export certificate for lard destined to Ecuador.

(i) *Italy.* Oleo oil destined to Italy is required to contain exactly 5 percent of sesame oil, and the export certificate accompanying the product shall show in the margin:

Oleo oil to which exactly 5 percent of sesame oil has been added.

(j) *Mexico.* Regular export certificates shall be issued in quintuplicate for product destined to Mexico.

(k) *Netherlands.* (1) Export certificates shall be issued for fresh pork cuts not smaller than a quarter of a carcass destined to the Netherlands, with the following additional certification written

and signed by the inspector in charge on the reverse side of the certificate:

The fresh pork described on the reverse side of this certificate was refrigerated continuously for not less than 3 weeks at a temperature not higher than 15° C. below freezing.

(2) Form MI 412-9 shall be issued for product destined to the Netherlands, in addition to the regular export certificate.

(l) *Switzerland.* The certificate and description of the shipment shall appear in the French language on the reverse side of certificates issued for shipments of inspected and passed product to Switzerland.

§ 24.4 *Special requirements as to product for export to countries named in this section—(a) Canada.* (1) The uteri, vulvae, black gut, spleens, prepuces, udders, and testicles are prohibited in food articles for Canada.

(2) Crowns shall be removed from hog bungs used as containers of sausage for Canada.

(3) Foreign products originating in countries other than Argentina, Australia, Brazil, Denmark, Eire, France, Great Britain, New Zealand, Northern Ireland, Paraguay, Sweden, Switzerland, Union of South Africa, Uruguay, and the United States, are not admitted into the Dominion of Canada, and notwithstanding the fact that products are admitted into the United States from countries other than those above enumerated such products from such other countries are not acceptable in Canada even though accompanied with export certificates issued in the United States.

(4) Official establishments shall rigidly observe the following definitions in the preparation of meat, meat food products, and meat byproducts intended for exportation to the Dominion of Canada. Inspectors in charge are directed to see that only meat, meat food products, and meat byproducts which conform to these definitions are certified for exportation to the Dominion of Canada.

(i) Any descriptive terms applied to any meat, meat byproduct, or to any preparation of either of them upon the label or otherwise, must be consistent with the definition of such terms as established under the Meat and Canned Foods Act of Canada.

(ii) Preservatives other than common salt, sugar, dextrose, glucose, saltpeter, wood smoke, vinegar, spices, alcohol, refined sodium nitrate, and refined sodium nitrite (not to exceed 200 parts per million in the finished product), or coloring matter, shall not be used in or upon meat, meat byproducts, or any preparation of either of them.

(iii) Meat shall be the clean, sound, properly dressed flesh of one or more animals healthy at the time of slaughter and shall include the heart, tongue, diaphragm, and oesophagus in addition to the skeletal musculature with attendant tissues.

(iv) Fresh meat shall be meat from animals recently slaughtered and properly cooled until delivered to the consumer.

(v) Cold storage meat shall be meat from animals recently slaughtered and

preserved by refrigeration until delivered to the consumer.

(vi) Salted, pickled and smoked meats shall be unmixed meats preserved by salt, sugar, vinegar, spices and other harmless substances, or smoke, singly or in combination, whether in bulk or in suitable containers.

(vii) Containers and wrappers in contact with food products shall contain on their surfaces in contact with food products, no lead, antimony, arsenic, zinc, or copper, or any compounds thereof or any other poisonous or injurious substances. If the containers are made of tin plate, they shall be outside soldered, or if soldered inside, the solder used shall consist of pure tin only; and the plate in no place shall contain less than one hundred and thirteen (113) milligrams of tin on a piece five (5) centimeters square or one and eight-tenths (1.8) grains on a piece of two (2) inches square. This is equivalent to two (2) pounds of tin per base box; but it must be noted that the regulation requires not only a minimum weight of tin per base box, but that this tin shall be evenly distributed over the surface of the plate. The inner coating of the containers shall be free from pin holes, blisters and cracks. If the tin plate is lacquered, the lacquer shall completely cover the lined surface within the container and yield to the contents of the container no lead, antimony, arsenic, zinc or copper, or any compounds thereof, or any other poisonous or injurious substances.

(viii) Manufactured meats shall be meats not included in subdivisions (iv), (v), and (vi) of this subparagraph, whether simple or mixed, whole or comminuted, in bulk or in suitable containers, with or without the addition of salt, vinegar, sugar, spices, or other harmless substances, smoke, oils or rendered fat. If they bear names descriptive of kind, composition, or origin, they shall correspond thereto, and when bearing such descriptive names, if force or flavoring meats are used the kind and quantity thereof shall be made known.

(ix) Sausage, sausage pudding, etc., shall be a comminuted meat or a mixture of such meats, either fresh, salted, pickled or smoked, with added salt and spices, and with or without the addition of edible animal fats, cereals, beef tripe, liver, blood or sugar, and with or without subsequent smoking. The finished product shall not contain a larger proportion of water than the meats from which it is prepared contain when in their fresh condition and not more than five (5) percent by weight of cereal, and if it contains any cereal the proportion of water shall not exceed sixty (60) percent by weight. If it bears a name descriptive of kind, composition or origin, it shall correspond to such descriptive name. All animal tissues used as containers, such as casings, stomachs, etc., shall be clean and sound and impart to the contents no substance other than salt.

(x) Blood sausage and blood pudding shall be sausage to which has been added clean, fresh blood from neat cattle in good health at the time of slaughter.

(xi) Canned meat shall be the cooked meat of fowls, neat cattle, or swine, preserved in packages closed hermetically or otherwise.

(xii) Corned or cured meat shall be meat cured or pickled with dry salt or in brine, with or without the addition of sugar or other harmless substances.

(xiii) Potted meat shall be comminuted and cooked meat, with or without cereal, salt, and spices, and enclosed in suitable containers closed hermetically or otherwise. Cereals when present must not exceed five (5) percent by weight.

(xiv) Meat loaf shall be a mixture of comminuted cooked meat, with or without cereal, salt, spices, milk, or eggs, pressed into a loaf. If it bears a descriptive name it shall correspond thereto. Meat loaf shall not contain more than five (5) percent of cereals.

(xv) Meat extract shall be the product obtained by extracting fresh meat with water and concentrating the liquid portion by evaporation after the removal of fat, and shall contain not less than seventy-five (75) percent of total solids of which not over twenty-seven (27) percent shall be ash, and not over twelve (12) percent shall be sodium chloride (calculated from the total chlorine present), not over six-tenths (0.6) percent shall be fat, and not less than eight (8) percent shall be nitrogen. The nitrogenous compounds shall contain not less than forty (40) percent of meat bases and not less than ten (10) percent of creatin and creatinin.

(xvi) Fluid meat extract shall be identical with meat extract except that it shall be concentrated to a lower degree and contain not more than seventy-five (75) and not less than fifty (50) percent of total solids.

(xvii) Bone extract or stock shall be the product obtained by extracting clean, fresh, trimmed bones of animals in good health at the time of slaughter, with boiling water and concentrating the liquid portion by evaporation after removal of the fat, and shall contain not less than seventy-five (75) percent of total solids.

(xviii) Fluid bone extract shall be identical with bone extract except that it shall be concentrated to a lower degree and contain not more than seventy-five (75) and not less than fifty (50) percent of total solids.

(xix) Meat juice shall be the fluid portion of muscle fibre obtained by pressure or otherwise, and may be concentrated by evaporation at a temperature below the coagulating point of the soluble proteins. The solids shall contain not more than fifteen (15) percent of ash, not more than two and five-tenths (2.5) percent of sodium chloride (calculated from the total chlorine present), not more than four (4) and not less than two (2) percent of phosphoric acid (P_2O_5), and not less than twelve (12) percent of nitrogen. The nitrogenous compounds shall contain not less than thirty-five (35) percent of coagulable proteins and not more than forty (40) percent of meat bases.

(xx) Peptones shall be products prepared by the digestion of protein material by means of enzymes or otherwise, and shall contain not less than ninety (90) percent of proteoses and peptones.

(xxi) Gelatin (edible gelatin) shall be the purified, dried, inodorous product of the hydrolysis by treatment with boiling

water, of certain tissues, as skin, ligaments, and bones, from sound animals, and shall contain not more than two and six-tenths (2.6) percent of ash and not less than eighty-two (82) percent of ash free solids.

(xxii) Lard shall be the rendered fat from hogs in good health at the time of slaughter, shall be clean, free from rancidity, and contain, necessarily incorporated in the process of rendering, not more than one (1) percent of substance other than fatty acids and fat.

(xxiii) Leaf lard shall be lard rendered at moderately high temperature from the internal fat of the abdomen of the hog, excluding that adherent to the intestines, and shall have an iodine number not greater than sixty-five (65) and contain not more than one (1) percent of substances other than fatty acids and fat.

(xxiv) Compound lard, lard compound, etc., shall be a mixture of animal and vegetable fats and oils. It shall be free from rancidity, be made from sound and pure materials and contain not more than one (1) percent of substances other than fatty acids and fat, and at least fifty-one (51) percent of actual lard shall be present in the article.

(xxv) Processed lard shall be the food product made by adding to lard a small proportion of a stabilizer consisting of one or more of the following ingredients: gum gualacum; vegetable oil containing tocopherols; lecithin; citric acid, tartaric acid, ascorbic acid; and propyl gallate. Such stabilizers, singly or in combination, shall not exceed two-tenths of one (0.2) percent by weight of the finished product, except propyl gallate which shall not exceed one-hundredth of one (0.01) percent by weight of the finished product. The label or marking of every package or container in which processed lard is offered for sale shall display a statement in immediate conjunction with the name of the product naming the stabilizer: e. g. "Contains propyl gallate."

(xxvi) Meat byproducts shall be the clean, sound, edible parts other than meat, derived from one or more animals healthy at the time of slaughter and shall include the tissue residues from the processes whereby edible fats are rendered.

(xxvii) Prepared meat byproducts shall be wholesome articles made wholly or in part from comminuted meat byproducts with or without cereal, seasoning, common salt, sugar, saltpeter, wood smoke, vinegar, acetic acid, spices, alcohol, refined sodium nitrate and refined sodium nitrite (not to exceed 200 parts per million in the finished product). All prepared meat byproducts shall be clearly and distinctly labeled as such.

(5) Canada prohibits the importation or introduction into that country, either direct or via other countries, of meat and meat byproducts, other than cooked canned meats, cook canned meat byproducts, edible tallow, and oleo stearin from countries in which foot-and-mouth disease, or rinderpest, has been known to exist during the preceding twelve (12) months.

(6) The marks of inspection shall be placed on each ham, shoulder, back, belly, and loin of hog carcasses, whether

split or unsplit, exported from the United States to Canada. Care should be taken that such marks be applied so that they will be clearly legible upon arrival at destination.

(b) *France.* Pork livers which have not been refrigerated at a temperature of 15° below 0° C. for twenty (20) days are eligible for importation into France only when destined to *pate de foie* factories.

(c) *Great Britain.* (1) Only edible organs which upon visual examination are found without blemish are permitted exportation to Great Britain.

(2) Except for meat prepared for a Federal agency for export, the use of borax on meat shipped from the United States for consumption in England, Wales, and Scotland, is prohibited. However, preservative certificates may be issued at exporter's risk for meat packed in borax which is shipped to Eng-

land, Wales, and Scotland: *Provided*, That for each consignment the exporter shows on his application Form MI 413-5 that the meat is intended for reexport from England, Wales, and Scotland, in accordance with the British regulations.

(3) The lymphatic glands and/or serous membranes are required to be in close anatomical relationship to fresh meat cuts imported into England and Wales.

(4) In order to insure uniformity of practice in administering the regulations, the Association of Port Sanitary Authorities of the British Isles has considered certain cuts of imported meat in regard to which difficulties might arise and adopted recommendations as to the inclusion in such cuts of the lymphatic glands and/or serous membrane in close anatomical relationship thereto. The list of cuts and recommendations is as follows:

PORK CUTS	
Cut	Recommendation
A. C. hams; pork legs	All pork hams should have the popliteal gland, the superficial inguinal or supra-mammary glands in situ.
Bellies; Cumberland sides	Should have both pleura and peritoneum in situ.
Pork loins	The pleura, peritoneum and the renal and lumbar lymphatic glands should be left in situ.
Picnics; Boston butts (boneless); Boston butts (bone in); pork roasts; boneless shoulders	These are cuts from the shoulder and the prescapular gland should be left in situ.
Back fat	Consists entirely of the rind and fat from the back. There are no lean, no bone, and no glands. Complies with the regulations and should be admitted.

BEEF AND MUTTON CUTS	
With bone	
Cut	Recommendation
Beef buttock	The popliteal lymphatic gland and the superficial inguinal or supra-mammary gland should be left in situ.
Clod and sticking piece	Half of the prescapular gland should be left in situ.
Fore rib	The pleura and the dorso-costal lymphatic glands should be left in situ.
Rib and pony	Half the prescapular gland, the dorso-costal lymphatic glands and the pleura should be left in situ.
Rump and loin	The cut should be made through the precaval lymph gland so that part of this gland is available for inspection in this cut, the other part being included in the thick flank. In addition the iliac, lumbar, and renal lymphatic glands, the peritoneum and as far as possible half of the ischiatic lymph gland should be left in situ.
Saddle of mutton	The iliac, lumbar, renal glands and the peritoneum should be left in situ.
Without bone	
Cut	Recommendation
Beef fillets; tenderloins	Should be accepted in spite of the fact that neither lymphatic glands nor peritoneum are available for inspection.
Beef hams	The popliteal gland should be left in situ.
Clod and sticking piece	Half the prescapular gland should be included in this cut.
Shins	Should be accepted though no glands are available for inspection.
Silverside; topside	Each should contain half the popliteal lymphatic gland.
Sirloin butts	Should be accepted though there are no glands or serous membrane available for inspection.
Sirloin strips	All the pleura belonging to the part and as much peritoneum as possible should be left in situ.
Spencer rolls	In the preparation of this cut the pleura should be incised down the middle of each rib. The ribs should then be removed without tearing away any of the pleura, the cut edges of which will fall together and so leave the whole surface of this serous membrane available for inspection.
Thick flank	Half the precaval lymph gland should be left in situ.
Tongues; ox (short cut); sheep	Should not be trimmed closely. The fat in which the submaxillary lymphatic glands lie, together with such glands should be left in situ.
Quarters of beef (fores and hinds)	All lymphatic glands and all serous membranes should be left in their natural positions.

(5) England, Wales, Scotland, and Northern Ireland prohibit the importation of the following:

(i) Scrap meat, that is to say, meat which consists of scraps, trimmings, or other pieces (whether with or without bone), of such shape or in such condition as to afford insufficient means of identification with a definite part of a carcass.

(ii) Meat comprising the wall of the thorax or abdomen from which there has been detached any part of the pleura or (except in the case of meat derived from a pig) the peritoneum, other than a part necessarily removed in preparing the meat.

(iii) Meat from which a lymphatic gland, except a gland necessarily removed in preparing the meat, has been taken out.

(iv) The head of an animal without the submaxillary gland.

(6) No product from the carcasses of sheep or lambs showing any lesions of caseous lymphadenitis will be permitted export to England, Wales, Scotland, and Northern Ireland.

(d) *Switzerland.* Sausage prepared from frozen meat is ineligible for importation into Switzerland.

§ 24.5 *Special requirements as to animal casings for export to countries named in this section; certificates, stamps, handling, etc.* (a) A regular blue animal-casings certificate may be issued for animal casings destined to countries other than Australia, Austria, Canada, France, Great Britain, Netherlands, New Zealand, Poland, and Union of South Africa, upon request of exporters.

(b) Form MI 415-5 shall be issued in duplicate for animal casings destined to Australia, Austria, Canada, Poland and the Union of South Africa. Upon the request of the exporter, Form MI 415-5 may be issued to cover animal casings destined to any foreign country if the factual knowledge available justifies such certification.

(c) Form MI 412-8 shall be issued for animal casings destined to Algeria and Belgium. It shall also be issued for animal casings destined to Poland in addition to Form MI 415-5.

(d) *Belgium:* Containers of animal casings destined to Belgium shall be marked with the blue export animal casing stamp (MI 415-7). Each exportation shall be covered by a "Sanitary Certificate in French" (MI 412-8) with the words "Animal Casings" substituted for the word "Products". The certificate shall bear the serial number of the export animal casings stamps used. Nodular casings shall be described on the certificate as "Nodular (not clear)".

(e) *Canada:* Animal casings for Canada shall be marked with the name of the product such as "green hog casings," "finished beef bungs," etc., and a shipping mark in diamond form enclosing the initial or initials of the exporter.

(f) *France:* Form MI 412-8 shall be issued in duplicate for each consignment of animal casings destined to France. Such casings must be derived only from animals which have been U. S. inspected

and passed. When necessary, inspectors will require affidavits from exporters covering the origin of animal casings. The duplicate copy of the certificate issued for animal casings shall be retained in the station file.

(g) Great Britain: (1) Only animal casings derived from animals slaughtered in official establishments, which have been handled in a sanitary manner and have not been treated with and do not contain any preservative, coloring, or other substance not permitted by Part 18 of this subchapter, and which upon examination by Division inspectors are found to be fit for sausage containers, shall be exported to Great Britain.

(2) Inspectors will satisfy themselves of the origin of the casings through affidavit of the exporter, and of the sanitary handling by examination of the premises and methods where the casings are prepared.

(3) The containers of animal casings for Great Britain shall be marked with the regular export stamp, but the casings need not be certified at the time of export. However, upon request of the exporter, Form MI 415-5 may be issued in duplicate to cover such exportation.

(h) Ireland: Containers of animal casings consigned to Ireland shall be marked with the regular export stamp (MI 412-10). Each exportation shall be covered by a certificate in the form of MI 415-5.

(i) Netherlands: Forms MI-415-5 and MI-412-9 shall be issued for animal casings destined to the Netherlands.

(j) New Zealand: The New Zealand regulations governing the importation into that Dominion of sausage casings of animal origin provide that these articles may be admitted at the ports of Auckland, Gisborne, Napier, New Plymouth, Wanganui, Wellington, Lyttelton, Timaru, Port Chalmers, Dunedin, or Bluff, when accompanied with a certificate in the following form duly executed by the exporter and Division inspector:

FORM No. 1

I, _____ of
(Give name and status)
the _____
(Give name of premises)
(Where casings produced or prepared)
situated at or near _____
(Give name of town)
in the country or district of _____
in the country or State of _____
do hereby solemnly and sincerely declare that
the sausage casings more particularly described below to be shipped by _____
of _____, to _____
of _____

(a) Were derived from animals which received ante-mortem and post-mortem veterinary inspection at the time of slaughter;

(b) Were found to be healthy and in every way suitable for human consumption;

(c) Are sound, healthful, wholesome, and otherwise fit for human consumption;

(d) Have not been treated with chemical preservatives or other foreign substances injurious to health;

(e) Have been handled only in a sanitary manner; and

(f) Were not exposed to contagion, prior to exportation.

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DESCRIPTION OF CASINGS

Number and description of packaging	Description of casings	Brands and marks

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of _____

(State here under what statutory provisions the declaration is made)

Signed _____
Declared at _____, this _____ day of _____, 19____
before me.

Signed _____
N. B.—In any British country the declaration is to be made before a justice of the peace, notary public, or other person authorized to take it. In any country outside the British Empire the declaration is to be made before a British consul or vice consul, or before any other authorized person.)

Form No. 2

Government Veterinarian's Certificate to Accompany Sausage Casings to New Zealand

I, _____, a duly qualified veterinarian, now employed by the Government of _____, hereby certify that I have no reason to doubt the correctness of the above declaration in any particular. Dated at _____, this _____ day of _____, 19____

Signed _____
Veterinary Inspector in Charge,
Meat-Inspection Division.

Accordingly, a certificate as a single document, including Form No. 1 and Form No. 2, as above specified, shall be furnished in duplicate fully executed by the exporter and Division inspector in charge for each consignment of sausage casings of animal origin destined to New Zealand. The certificate forms shall be supplied by the exporter. The wording of the certificate limits certification to casings derived from animals slaughtered in official establishments and handled only in a sanitary manner. Inspectors will satisfy themselves of the origin of the casings and the sanitary handling thereof before issuing certificates. Furthermore, all such casings intended for exportation to New Zealand shall first be examined by Division inspectors and only those found fit for use as sausage containers in official establishments shall be certified. A copy of each certificate shall be placed in the station file.

§ 24.6 *Export casings, bladders, hoofs, horns, grease and similar inedible animal products.* Numbered inedible-product stamps and certificates of a distinctive color may be issued, upon request of the shipper, for export shipments of casings, bladders, hoofs, horns, grease, and similar inedible animal products.

§ 24.7 *Uninspected tallow, stearin, oleo oil, etc.; not to be exported unless exporter certifies as inedible.* No tallow, stearin, oleo oil, or the rendered fat derived from cattle, sheep, swine, or goats, that has not been inspected, passed, and marked in compliance with the regulations in Parts 1 through 29 of this subchapter shall be exported, unless the

shipper files with the collector of customs at the port from which the export shipment is made a certificate by the exporter that such article is inedible.

§ 24.8 *Product packed with preservative for export; required stamps and certificates; affixing and removal of stamps.* (a) Numbered stamps and certificates of a distinctive color, known as preservative stamps and certificates, shall be issued to identify all articles prepared or packed with preservatives for export. The stamps shall be securely affixed to containers of the article before they leave the establishment, in the manner prescribed by § 24.1 (b). Unless, upon special application to him, the Director of Division shall otherwise direct, the certificates shall be issued before the articles leave the establishment, and shall be issued and used in the same way and shall serve the same purposes, respectively, as the certificates issued pursuant to § 24.2.

(b) Prior to export, no preservative stamp required by this section shall be detached from the container except under the personal supervision of a Division employee. If the preservative stamp is detached, then the article in the container shall be handled in accordance with the provisions of § 18.3 of this subchapter.

PART 25—TRANSPORTATION

- Sec. 25.1 Interstate or foreign transportation prohibited without certificate; imported articles prior to inspection excepted if handled under seals.
- 25.2 Parcel post and ferries deemed carriers.
- 25.3 Certificate for product transported within the United States as part of foreign movement.
- 25.4 Shipments by jobbers, wholesalers and others; breaking bulk, repacking, shipping, etc.
- 25.5 Form of certificate for interstate or foreign shipment of inspected product.
- 25.6 Unmarked inspected product may be transported in sealed cars between official establishments for further processing; transportation by truck, wagon, etc., under seal; breaking of seals.
- 25.7 Shipment of paunches between official establishments under seal.
- 25.8 Loading or unloading product in sealed railroad cars, trucks, wagons, etc., en route prohibited.
- 25.9 Shipments of product requiring special supervision between official establishments in sealed cars, trucks, wagons, etc.
- 25.10 Exemption; certificate for shipment of uninspected product.
- 25.11 Farmers; certificate for shipment of uninspected product.
- 25.12 Waybills, transfer bills, etc., evidence of proper certification required for shipment by connecting carrier; form of statement.
- 25.13 Returned products; requirements pertaining to.
- 25.14 Denaturing of uninspected or inspected meat known to be unsound, grease, etc., required prior to shipment; certificate for shipment; statement to appear on waybills, etc., of connecting carrier.
- 25.15 Certificates to be filed and retained by carriers for one year.

²For convenience in filing it is requested that these certificates be made on paper 5½ x 8 inches in size.

any waybill, bill of lading, or other form ordinarily used in the transportation of meat. The duplicate certificate shall be forwarded immediately by the initial carrier to the Director of the Meat Inspection Division, Washington, D. C. If the product is transported by the shipper himself a certificate shall nevertheless be forwarded by him to the Director of the Meat Inspection Division. For the purpose of the certificate under this paragraph, all articles in cars, trucks, wagons, etc., permitted by paragraphs (a) and (c) of this section to be sealed shall be deemed to be "not marked."

(c) Inspected and passed articles may be transported from one official establishment to any other official establishment for further processing without each article being marked with the inspection legend in a truck, wagon, etc., securely sealed by a Division employee with the official seal of the department bearing the inspection legend. Only vehicles properly equipped for the purpose may be sealed under this paragraph. Unless 25 percent or more of the contents of each vehicle consists of product not marked with the inspection legend, transportation will not be permitted under this paragraph.

(d) When shipments are made under this section, the inspector in charge at the point of origin shall immediately notify the inspector in charge at the point of destination by means of Form MI 408-1. One copy of the form shall be placed in a sealed envelope and tacked, or otherwise securely fastened, to the inside of one of the doors of the railroad car, truck, wagon, etc., and one copy shall be mailed to the inspector in charge at destination immediately after the vehicle has been sealed.

(e) Except as provided in § 25.16 (b), seals affixed under this section shall be broken by Division employees, and no person other than a Division employee shall detach, break, change, or tamper with any such seal in any way whatever.

§ 25.7 *Shipment of paunches between official establishments under seal.* Cattle and sheep paunches which have been made clean and from which the mucous membrane has not been removed may be transported from one official establishment to another official establishment for further preparation only under official seal of the department bearing the inspection legend. When paunches are offered for transportation under this paragraph, the carrier shall require and the shipper shall make and deliver to the carrier a certificate in duplicate in the form set out in § 25.6 (b), appropriately modified. If the product is transported by the shipper himself, a certificate shall nevertheless be forwarded by him to the Director of the Meat Inspection Division.

§ 25.8 *Loading or unloading product in sealed railroad cars, trucks, wagons, etc., en route prohibited.* Unloading product from a sealed railroad car, truck, wagon, etc., containing unmarked product or loading product or any other commodity in the vehicle while en route from one official to another official establishment is not permitted.

§ 25.9 *Shipments of product requiring special supervision between official establishments in sealed cars, trucks, wagons, etc.* (a) Products requiring special supervision, such as product passed for cooking, pork that has been refrigerated to destroy trichinae, and beef that is to be refrigerated to destroy cysticerci, may be shipped loose from one official establishment to any other official establishment, for further treatment, in sealed railroad cars, trucks, wagons, etc.: *Provided*, That there is no other product in the vehicle: *And provided further*, That in the case of cars, the receiving establishment has railroad facilities for unloading the product directly into the establishment.

(b) When such restricted product is shipped from one official establishment to another official establishment in the same railroad car, truck, wagon, etc., with other product, such restricted product shall be packed in individual closed containers and the containers sealed in accordance with § 18.10 (c) of this subchapter, and marked "U. S. passed for cooking" or "pork product — F — days refrigeration" or "beef passed for refrigeration," as the case may be. In addition, a "U. S. retained" tag shall be securely affixed to each container of product passed for cooking and of beef passed for refrigeration. The car, truck, wagon, etc., should not be sealed unless at least 25 percent of the other meat in the vehicle is unmarked.

(c) When a shipment is made in a sealed car, truck, wagon, etc., under this section, the inspector in charge at the point of origin shall immediately notify

the inspector in charge at point of destination in accordance with instructions in § 25.6 (d). When a shipment is made under this section in properly sealed and marked closed containers, the inspector in charge at point of origin shall immediately notify the inspector in charge at destination by means of an appropriately modified Form MI 408-1, furnishing complete information.

(d) When articles are offered for transportation under this section, the carrier shall require and the shipper shall make and deliver to the carrier a certificate in duplicate in the form set out in § 25.6 (b), appropriately modified. If the product is transported by the shipper himself a certificate shall nevertheless be forwarded by him to the Director of the Meat Inspection Division.

§ 25.10 *Exemption; certificate for shipment of uninspected product.* When any product which has not been inspected and passed under the provisions of Parts 1 through 29 of this subchapter is offered for transportation from one State or Territory or the District of Columbia to or through another State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to a foreign country, by any retail butcher or retail dealer who holds a certificate of exemption issued in compliance with the provisions of Parts 1 through 29 of this subchapter, the carrier shall require and such retail butcher or retail dealer shall make and deliver to the carrier, a certificate in duplicate in the following form printed on paper 3½ x 8 inches:

SHIPMENT OF MEAT OR MEAT FOOD PRODUCTS BY RETAIL BUTCHERS OR DEALERS

Make in duplicate; send one copy to Director, Meat Inspection Division,
U. S. Department of Agriculture, Washington 25, D. C.

I hereby certify that I am a retail butcher or a retail dealer in meat or meat food products; that the following described meat or meat food products are offered for shipment in interstate or foreign commerce under a certificate of exemption issued to me by the United States Department of Agriculture, and that at this date they are sound, healthful, wholesome, and fit for human food, and contain no preservative or coloring matter or other substance prohibited by the Federal meat inspection regulations.

Name of carrier	Exemption certificate No.	Month	Day	Year				
Shipper's name and point of shipment	City	State						
Consignee's name and destination	City	State						
Fresh meats								
Species.....	Beef (1)	Veal (2)	Mutton (3)	Lamb (3)	Pork (5)	Goat (4)	Goat kid	Processed meats such as salted, cooked, cured, dried, or canned meat; sausage, lard, etc. (9)
Number of carcasses.....								
Number of pounds.....								
Signature of shipper and address								

The signature of the shipper or of his agent shall be written in full, and each certificate shall show the exemption number of the shipper. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of meat. The duplicate certificate shall be forwarded immediately by the initial carrier to the Director of the Meat Inspection Division, Washington, D. C. If the product is transported by the shipper

himself a certificate shall nevertheless be forwarded by him to the Director of the Meat Inspection Division.

§ 25.11 *Farmers; certificate for shipment of uninspected product.* When cattle, sheep, swine, or goats have been slaughtered by a farmer on the farm, and any product derived therefrom is offered to a carrier for transportation from one State or Territory or the District of Columbia to or through another State or Territory or the District of Columbia, or

to any place under the jurisdiction of the United States, or to a foreign country, the carrier may so transport such product which is identified as derived from any of such animals slaughtered by a

farmer on the farm. The carrier shall require, and the shipper shall make and deliver to the carrier, a certificate in duplicate in the following form printed on paper 3½ x 8 inches:

SHIPMENT OF MEAT OR MEAT FOOD PRODUCTS FROM ANIMALS SLAUGHTERED BY A FARMER ON THE FARM

Make in duplicate; send one copy to Director, Meat Inspection Division,
U. S. Department of Agriculture, Washington 25, D. C.

I hereby certify that the following described uninspected meat or meat food products are from animals slaughtered by a farmer on the farm, and are offered for transportation in interstate or foreign commerce as exempted from inspection according to the Meat Inspection Act of March 4, 1907, as amended, and that at this date they are sound, healthful, wholesome, and fit for human food, and contain no preservative or coloring matter or other substance prohibited by the Federal meat inspection regulations.

Name of Carrier		Month	Day	Year				
Shipper's name and point of shipment		City		State				
Consignee's name and destination		City		State				
Fresh meats								
Species.....	Beef (1)	Veal (2)	Mutton (3)	Lamb (3)	Pork (5)	Goat (4)	Goat kid	Processed meats such as salted, cooked, cured, dried, or canned meat; sausage, lard, etc. (9)
Number of carcasses.....								
Number of pounds.....								
Signature of shipper and address								

The signature of the shipper or of his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of meat. The duplicate certificate shall be forwarded immediately by the initial carrier to the Director of the Meat Inspection Division, Washington, D. C. If the product is transported by the shipper himself a certificate shall nevertheless be forwarded by him to the Director of the Meat Inspection Division.

§ 25.12 Waybills, transfer bills, etc., evidence of proper certification required for shipment by connecting carrier; form of statement. All waybills, transfer bills, running slips, conductor's cards, or other papers accompanying an interstate or foreign shipment of any product shall have embodied therein, stamped thereon, or attached thereto a signed statement which shall be evidence to connecting carriers that the proper shipper's certificate, as required by §§ 25.5, 25.6, 25.7, 25.9, 25.10, or 25.11, is on file with the initial carrier; and no connecting carrier shall receive for transportation or transport any interstate or foreign shipment of any product unless the waybill, transfer bill, running slip, conductor's card, or other paper accompanying the same includes the aforesaid signed statement in one of the following forms:

When shipment is made under §§ 25.5, 25.6, 25.7, or 25.9:

(Name of transportation company)
U. S. inspected and passed, as evidenced by shipper's certificate on file with initial carrier.
(Signed) Agent.

When shipment is made under §§ 25.10 or 25.11:

(Name of transportation company)

Exempted from inspection, as evidenced by shipper's certificate on file with initial carrier.

(Signed) Agent.

Signatures of agents to statements required under this section shall be written in full.

§ 25.13 Returned products; requirements pertaining to. (a) When it is claimed that any product, which has theretofore been inspected and passed and marked with the inspection legend, has become unsound, unhealthful, unwholesome, or in any way unfit for human food after it has been transported away from an official establishment, then, in order to ascertain whether it is unsound, unhealthful, unwholesome, or in any way unfit for human food, the same may be transported from one State or Territory or the District of Columbia to any official establishment in the same or another State or Territory or the District of Columbia if a written permit in duplicate for such shipment is first obtained from the inspector in charge of the establishment to which the shipment is destined. In case of every such shipment both the original and the duplicate of the permit shall be surrendered to the carrier, and the carrier shall require and the shipper shall make and deliver to the carrier a certificate in duplicate in the following form:¹

Date 19..

Name of carrier
Consignor
Point of shipment
Consignee
Destination
Number of permit

I hereby certify that the following described meat or meat food products have been U. S. inspected and passed by Depart-

¹ See footnote 2 § 25.6 (b).

ment of Agriculture and are so marked. It is alleged that the said meat or meat food products are unsound, unhealthful, unwholesome, and unfit for human food.

Kind of product Amount and weight

(Signature of shipper)

(Business or occupation of shipper)

(Address of shipper)

The signature of the shipper or of his agent shall be written in full, and the certificate shall in every case contain a description and the weight of the product. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of meat. One of these certificates and the duplicate copy of the inspector's permit shall be retained by the carrier; the other copy of the certificate and the original inspector's permit shall be forwarded immediately to the Director of the Meat Inspection Division, Washington, D. C.

(b) As evidence to connecting carriers that the proper shipper's certificate as required by this paragraph is on file with the initial carrier, the waybills, transfer bills, running slips, conductor's cards, or other papers accompanying such shipments shall have embodied therein, stamped thereon, or attached thereto, a signed statement in the following form:

(Name of transportation company)

U. S. inspected and passed meat or meat food product alleged to be unsound, unwholesome, or otherwise unfit for food, as evidenced by permit and shipper's certificate on file with initial carrier.

(Signed) Agent.

The signature of the agent shall be written in full.

(c) Upon the arrival of the shipment at the establishment, a careful inspection shall be made of the product by a division inspector, and if it is found that the article is sound, healthful, wholesome, and fit for human food, the same may be received into the establishment; but if the article is found to be unsound, unhealthful, unwholesome, or in any way unfit for human food, the same shall at once be stamped "U. S. inspected and condemned" and disposed of in accordance with Parts 1 through 29 of this subchapter.

(d) No product which is unsound, unhealthful, unwholesome, or in any way unfit for human food shall be transported from an official establishment under this section, but it shall be disposed of at the official establishment in accordance with Parts 1 through 29 of this subchapter: *Provided*, That when a product is found to come within one of the classes designated in § 18.1 (a) (2) of this subchapter, in respect to which rehandling is permitted, it may be transported from an official establishment and admitted into another official establishment for such rehandling. The transportation of such a product from an official establishment shall be in a manner prescribed by the Director of Division. If the product is transported by

the shipper himself a certificate shall nevertheless be forwarded by him to the Director of the Meat Inspection Division.

§ 25.14 Denaturing of uninspected or inspected meat known to be unsound, grease, etc., required prior to shipment; certificate for shipment; statement to appear on waybills, etc., of connecting carrier. (a) No uninspected product, and no inspected and passed product which is known to have become unsound, unhealthful, unwholesome, or in any way unfit for human food, including any rendered or unrendered grease, tallow, or other fat derived from the carcasses of cattle, sheep, swine, or goats and possessing the physical characteristics of an edible product, shall be transported from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to a foreign country, unless it is first denatured or otherwise destroyed for food purposes. The shipper shall not offer nor the carrier receive for such transportation any such article until it has been denatured or otherwise destroyed for food purposes as required by this section. The carrier shall require and the shipper shall make and deliver to the carrier a certificate in duplicate in the following form:

Name of carrier.....	Date	19...
Consignor		
Point of shipment.....		
Consignee		
Destination		

I hereby certify that the following described meat or product, or grease, tallow, or other fat, which is offered for shipment in interstate or foreign commerce, has been denatured or otherwise destroyed for food purposes.

Kind of product	Amount and weight
.....
.....
.....

(Signature of shipper)

(Business or occupation of shipper)

(Address of shipper)

The signature of the shipper or of his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of meat. The duplicate certificate shall be forwarded immediately by the initial carrier to the Director of the Meat Inspection Division, Washington, D. C. If the product is transported by the shipper himself a certificate shall nevertheless be forwarded by him to the Director of the Meat Inspection Division.

(b). As evidence to connecting carriers that the proper shipper's certificate is on file with the initial carrier, the waybills, transfer bills, running slips, conductor's cards, or other papers accompanying such shipments shall have embodied therein, stamped thereon, or attached thereto a signed statement in the following form:

(Name of transportation company)

Unsound, unwholesome, or otherwise unfit for human food, and denatured or otherwise rendered unavailable for food purposes,

as evidenced by shipper's certificate on file with initial carrier.

(Signed) Agent.

The signature of the agent shall be written in full.

(c) No dog food or other animal food prepared, in whole or in part, from materials derived from the carcasses of cattle, sheep, swine, goats, or horses, either in an official establishment or elsewhere, shall be transported from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to a foreign country, unless (1) it is properly identified as dog food or other animal food, (2) it is not represented as being a human food, and (3) if, possessing the physical characteristics of an edible product, it has been treated (denatured or decharacterized) so as to be readily distinguishable from an article of human food: *Provided*, That such dog food or other animal food packed in hermetically sealed, retort processed, conventional retail-size containers need not be denatured or decharacterized if the name of the canned article, as for example "Dog Food," "Cat Food," "Dog and Cat Food," "Animal Food," and the like, appears on the label in a conspicuous manner. To be considered conspicuous, the letters in the name of the canned article, as for example "Dog Food," must be at least three times as high, wide, and thick as the letters in the words denoting the use, as ingredients in the article, of the materials derived from the carcasses of cattle, sheep, swine, goats, or horses. The letters in the name of such article shall contrast as markedly with their background as the letters in the words denoting the use of such ingredient materials contrast with their background.

§ 25.15 Certificates to be filed and retained by carriers for one year. All original certificates delivered to a carrier in accordance with this part shall be filed separate and apart from all its other papers and records and retained by it for one year, in order that they may be readily checked in such manner as the Director of Division may from time to time prescribe.

§ 25.16 Diverting of shipments, breaking of seals and reloading by carrier in emergency; reporting to Director of Division. (a) Shipments of inspected and passed product that bears the inspection legend may be diverted from the original destination without a reinspection of the articles, provided the waybills, transfer bills, running slips, conductor's card or other papers accompanying the shipments are marked, stamped, or have attached thereto signed statements in accordance with § 25.12.

(b) In case of wreck or other extraordinary emergency, the Department seals on a railroad car or truck containing any inspected and passed product may be broken by the carrier, and, if necessary, the articles may be reloaded into another car or truck, or the shipment may be diverted from the original destination, without another shipper's certificate; but in all such cases the carrier shall immediately report the facts by telegraph to the Director of the Meat

Inspection Division, Washington, D. C. Such report shall include the following information:

- (1) Nature of the emergency.
- (2) Place where seals were broken.
- (3) Original points of shipment and destination.
- (4) Number and initials of the original car or truck.
- (5) Number and initials of the car or truck into which the articles are reloaded.
- (6) New destination of the shipment.
- (7) Kind and amount of articles.

§ 25.17 Provisions in this part do not apply to specimens for laboratory examination, etc., or to inedible articles not having physical characteristics of edible products. (a) The provisions of this part do not apply:

- (1) To specimens of product sent to or by the Department of Agriculture or divisions thereof in Washington, D. C., or elsewhere, for laboratory examination, exhibition purposes, or other official use;
- (2) To material released for educational, research, and other purposes under § 14.5 of this subchapter and to material released for educational uses, laboratory examination, and other purposes under § 18.17 of this subchapter;
- (3) To glands and organs for use in preparing pharmaceutical, organotherapeutic, or technical products, as provided for in § 18.15 (a) of this subchapter;
- (4) To material or specimens of product for laboratory examination, research, or other purposes, when authorized by the director of the division, and under conditions prescribed by him; and
- (5) To hoofs, horns, hides, etc., or inedible grease, inedible tallow, or other inedible fats, which do not possess the physical characteristics of an edible product.

PART 26—FEDERAL FOOD, DRUG, AND COSMETIC ACT

§ 26.1 Federal Food, Drug, and Cosmetic Act; foods containing product derived from cattle, sheep, swine, goats, or horses, compliance with. (a) A food which contains product derived from cattle, sheep, swine, goats, or horses but which is not amenable to the Meat Inspection Act, is subject to the Federal Food, Drug, and Cosmetic Act (21 U. S. C., 301-392), if in interstate or foreign commerce.

(b) Product is exempt from the provisions of the Federal Food, Drug, and Cosmetic Act to the extent of the application, or the extension thereto, of the Meat Inspection Act.

(34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89)

PART 27—IMPORTED PRODUCTS¹

NOTE: Approvals prior to July 1, 1950, of labeling material for imported meats, meat byproducts, and meat food products were

¹ Imported product after admission into the United States is deemed and treated as a domestic article, subject to the Meat Inspection Act and the Food, Drug, and Cosmetic Act, and acts amendatory of, supplementary to or in substitution for such acts. (Act of June 17, 1930, sec. 306; 19 U. S. C. 306)

cancelled effective April 1, 1957 (22 F. R. 738, Feb. 6, 1957). Any person who proposes to use labeling material, for meats, meat by-products, or meat food products to be imported into the United States on or after April 1, 1957, which was approved prior to July 1, 1950, and has not since been reapproved, must submit such labeling material to the Director of the Meat Inspection Division for approval under the regulations currently in effect.

- Sec.
27.1 Application.
27.2 Eligibility of foreign countries for importation of product into the United States.
27.3 When product, etc., prohibited entry; preservatives, misbranding, etc.
27.4 Importation of foreign inedible fats.
27.5 No product to be imported without compliance with regulations.
27.6 Imported product; foreign certificates required.
27.7 Importer to make application for inspection; information required.
27.8 Import meat or meat food products; Division inspection; arrival, time and place; movement from port of entry.
27.9 Import product; movement prior to inspection; sealing; handling; bond; facilities and assistance.
27.10 Import product; equipment of conveyances used in handling to be maintained in sanitary condition.
27.11 Burlap wrapping for foreign meat.
27.12 Product imported; samples; inspection of whole consignment; condemnations; exception; marking.
27.13 Receipts to importers for import meat samples.
27.14 Foreign canned and packaged meat and meat food product, bearing trade labels; sampling and inspection.
27.15 Foreign product offered for importation; reporting of findings to customs; handling and marking of articles refused entry; marking carcasses and parts.
27.16 Marking and labeling of product "U. S. Inspected" and passed for importation; application of inspection legend.
27.17 Outside containers of foreign products; marking and labeling.
27.18 Small importations for consignee's personal use; requirements.
27.19 Returned United States inspected and marked product; not importations.
27.20 Imported product to be handled and transported as domestic; entry into official establishments; transportation.
27.21 Specimens for laboratory examination and similar purposes.

AUTHORITY: §§ 27.1 to 27.21 issued under 34 Stat. 1234, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89.

§ 27.1 Application. This part shall apply only to product derived from cattle, sheep, swine, and goats. The term United States, as used, includes Alaska, Hawaii, and Puerto Rico.

§ 27.2 Eligibility of foreign countries for importation of product into the United States. (a) Whenever it shall be determined by the Secretary of Agriculture that the system of meat inspection maintained by any foreign country is the substantial equivalent of, or is as efficient as, the system established and maintained by the United States and that reliance can be placed upon certificates required under this part from authorities of such foreign country, notice

of that fact will be given by including the name of such foreign country in paragraph (b) of this section, and thereafter product as to which the foreign inspection or certification is determined to be sufficient shall be eligible for importation into the United States from such foreign country, after applicable requirements of Parts 1 through 29 of this subchapter have been met. Product from foreign countries not listed in paragraph (b) of this section is not eligible for importation into the United States, except as provided by § 27.18. The listing of any foreign country under this section may be withdrawn whenever it shall be determined by the Secretary of Agriculture (1) that the system of meat inspection maintained by such foreign country is not the substantial equivalent of, or is not so efficient as, the system established and maintained by the United States, or that reliance cannot be placed upon certificates required under this part from authorities of such foreign country; or (2) that, for lack of current information concerning the system of meat inspection being maintained by such foreign country or for any other reason, such foreign country should reestablish its eligibility for listing.

(b) It has been determined that product from the following foreign countries, covered by foreign meat inspection certificates of the country of origin as required by § 27.6, except fresh, chilled or frozen or other product ineligible for importation into the United States from countries in which the contagious and communicable disease of rinderpest or of foot-and-mouth disease exists as provided in Part 94 of this chapter, is eligible for importation into the United States after inspection and marking as required by the applicable provisions of Parts 1 to 29 of this subchapter.

Argentina.	Italy.
Australia.	Luxembourg.
Belgium.	Madagascar.
Brazil.	Mexico.
Canada.	Netherlands.
Costa Rica.	New Zealand.
Cuba.	Nicaragua.
Czechoslovakia.	Northern Ireland.
Denmark.	Norway.
Dominican Republic.	Panama.
England and Wales.	Paraguay.
Finland.	Poland.
France.	Scotland.
Germany (Federal Republic).	Spain.
Honduras.	Sweden.
Iceland.	Switzerland.
Ireland (Eire).	Uruguay.
	Venezuela.

§ 27.3 When product, etc., prohibited entry; preservatives, misbranding, etc. (a) No product of a kind forbidden entry into, or forbidden to be sold or restricted in sale in, the country in which the animal from which it was derived was slaughtered, or in which the article was prepared or processed, shall be admitted into the United States.

(b) No product which contains or has been treated with any preservative, coloring matter, or other substance, except as permitted by Part 18 of this subchapter, shall be admitted into the United States. No article of a kind mentioned in § 18.10 of this subchapter, unless treated in compliance therewith, shall be admitted into the United States.

(c) No product which bears, or the container of which bears, any statement, design, or device prohibited by Part 17 of this subchapter or which fails to bear any qualifications with reference to added substances provided by Parts 16 and 17 of this subchapter, or which is in any respect misbranded or adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act, as amended, shall be admitted into the United States.

(d) No meat trimmings in pieces too small to permit of adequate inspection upon arrival shall be admitted into the United States.

(e) No inedible grease, inedible tallow, or other rendered inedible fat possessing the physical characteristic of an edible product shall be admitted into the United States for industrial use unless it has been first denatured or otherwise destroyed for food purposes and the containers have been marked in the manner prescribed by § 16.18 of this subchapter.

(f) No canned product shall be admitted into the United States unless it meets the following requirements:

(1) Canned product must be processed at such temperature and for such period of time as will assure keeping without refrigeration under usual conditions of storage and transportation, with the exception of canned product specified by the Director of Division which is processed without steam-pressure cooking in accordance with the methods approved by the Director of Division and which is labeled "Perishable, Keep Under Refrigeration" where such labeling is required by the Director of Division.

(2) Heat processed canned product shall show the external characteristics of sound cans, that is, the cans shall not be overfilled; they shall have concave sides, excepting the seam side, and all ends shall be concave; there shall be no bulging; the sides and ends shall conform to the product; and there shall be no slack or loose tin.

§ 27.4 Importation of foreign inedible fats. Foreign inedible rendered fats which do not possess the physical characteristics of an edible product are eligible for importation without restriction under Parts 1 through 29 of this subchapter. Such importations need not be reported to the Division.

§ 27.5 No product to be imported without compliance with regulations. No product offered for importation from any foreign country shall be admitted into the United States except upon compliance with all the requirements of this part applicable to it.

§ 27.6 Imported product; foreign certificates required. (a) Except as provided in paragraph (e) of this section and § 27.18, each consignment containing any product consigned to the United States from a foreign country shall be accompanied with a foreign meat-inspection certificate in the following form:

FOREIGN OFFICIAL MEAT-INSPECTION
CERTIFICATE

Place _____ Date _____
(City) (Country)

I hereby certify that the meat and meat food products herein described were derived from cattle, sheep, swine, or goats which received ante-mortem and post-mortem veterinary inspections at the time of slaughter, and that such meat and meat food products are sound, healthful, wholesome, and otherwise fit for human food, and have not been treated with, and do not contain, any preservative, coloring matter, or other substance not permitted by the regulations governing the meat inspection of the United States Department of Agriculture, filed with me, and that said meat and meat food products have been handled only in a sanitary manner in this country.

<i>Kind of product</i>	<i>Number of pieces or packages</i>	<i>Weight</i>
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----

Identification marks on meats and pack-
ages -----

Consignor -----

Address -----

Consignee -----

Destination -----

Shipping marks -----

(Signature) -----

(Name of official of national foreign government authorized to issue inspection certificates for meat and meat food products exported to the United States)

(Official title) -----

(b) Each foreign meat-inspection certificate shall be signed by an official authorized by the national government of the foreign country in which the product is inspected to sign and issue the same. Except as provided in paragraph (e) of this section, the name of each official authorized to sign and issue foreign meat-inspection certificates, when submitted to the department, will be published, and the Director of Division shall file with each such official a copy of the regulations in Parts 1 through 29 of this subchapter and copies of amendments which may hereafter be made thereto. No inspector shall accept a certificate unless it is signed by an official whose name has been published by the department and whose authority to sign certificates has not been revoked.

(c) Each foreign meat-inspection certificate shall contain a statement of the number of pieces or packages, and the total weight of each kind of product comprising the consignment, together with a description of the identification marks on the product or on the packages containing the same, a description of the shipping marks, the name and address of the consignor, the name of the consignee, and the final destination of the consignment in the United States and except as provided in paragraph (e) of this section shall be in the English language.

(d) The foreign meat-inspection certificate required by this section to accompany each consignment containing any product shall be delivered by the consignee, or his agent, in the United States to the Division Inspector at the place of inspection, and inspection of the product will not be commenced prior to such delivery.

(e) The foreign meat-inspection certificate of the national government of a foreign country, the form and substance of which has been approved by the department and which is issued for any product, may be accepted in lieu of the certificate prescribed in paragraph (a) of this section, notwithstanding the fact that the name of the foreign official who signed the certificate has not been published by the department.

(f) Except as provided in § 27.18 and paragraph (g) of this section, each consignment of any product of a kind prepared customarily to be eaten without cooking (such as summer sausage, "Italian" and "Westphalia" hams, and the like), which contains any muscle tissue of pork, shall be accompanied, in addition to any other certificate required by this section, by a separate foreign meat-inspection certificate in the following form:

OFFICIAL MEAT-INSPECTION CERTIFICATE FOR
PORK AND PORK PRODUCTS

(For shipment to the United States of articles of a kind prepared customarily to be eaten without cooking, and which contain muscle tissue of pork.)

Place _____ Date _____ 19____

I hereby certify that the article or articles herein described are of a kind prepared customarily to be eaten without cooking, and contain muscle tissue of pork, which, when fresh or freshly cured in salt, were subjected to a temperature not higher than five (5) degrees F. for not less than twenty (20) days, or otherwise treated as specified by the Director of the Meat Inspection Division, and that said articles contain no muscle tissue of pork which has not been treated as herein specified.

Kind of product	Number of pieces or packages	Weight
Identification marks on meats and packages		
Consignor		
Address		
Consignee		
Destination		
Shipping marks		
(Signature)	(Name of official of national foreign government authorized to issue inspection certificates for meat and meat food products exported to the United States)	
(Official title)		

NOTE: A certificate in the above form is required to accompany each consignment of any product of a kind prepared customarily to be eaten without cooking (such as summer sausage, "Italian" and "Westphalia" hams, and the like), which contains any muscle tissue of pork. This certificate is to be delivered by the consignor, or his agent, to the inspector of the Meat Inspection Division at the point of inspection in the United States.

Each such foreign meat-inspection certificate shall be subject to the provisions of paragraphs (b) to (d), inclusive, of this section.

(g) The official meat-inspection certificate for pork and pork products of the national government of a foreign country, the form of which has been approved by the Department and which is issued for any pork and pork prod-

ucts, may be accepted in lieu of the certificate prescribed in paragraph (f) of this section, notwithstanding the fact that the name of the foreign official who signed the certificate has not been published by the Department.

(h) The foreign official meat-inspection certificate for pork and pork products as provided for in paragraph (f) of this section, accompanied with a foreign meat-inspection certificate approved in accordance with paragraph (e) of this section, may be accepted even though the name of the foreign official who signed it has not been published by the Department, provided, that it agrees with the signature of the foreign official who signed the certificate approved in accordance with paragraph (e) of this section.

§ 27.7. *Importer to make application for inspection; information required.* Each importer shall make application for inspection to the inspector in charge, if one be stationed at the port where any product is to be offered for importation, or, if not, to the Director of the Meat Inspection Division, Department of Agriculture, Washington, D. C., as long as possible in advance of the anticipated arrival of each consignment, except in the case of consignments of product expressly exempted from inspection by § 27.18. Each application shall state the approximate date on which the consignment is due to arrive in the United States, the name of the boat or other carrier transporting it, the name of the country from which the product was shipped, the place of destination, the quantity and kind of product, and whether fresh, cured, or canned. In case of consignments arriving in the United States by water, the application should also state the port of first arrival in the United States.

§ 27.8 *Import meat or meat food products; Division inspection; arrival, time and place; movement from port of entry.* (a) Except as provided in § 27.18, all products offered for importation from any foreign country shall be inspected by a Division inspector before the same shall be admitted into the United States.

(b) All products required by this part to be inspected, which arrive in the United States by water at any port where a Division inspector is stationed, shall be inspected on the wharf at the time of unloading, except that if, upon the application of the consignee, or his agent, the inspector in charge at such port shall so direct, the articles may be inspected at any other place within the limits of the port or shipped to destination for inspection, if an inspector of the Division is stationed at destination.

(c) All products required by this part to be inspected, which arrive in the United States by water at any port where a Division inspector is stationed, and which are consigned to any place where no Division inspector is stationed, shall be inspected on the wharf at the time of unloading.

(d) All products required by this part to be inspected, which arrive in the United States by water at a port where no Division inspector is stationed and which are consigned to any place where

a Division inspector is stationed, shall be inspected at destination.

(e) All products required by this part to be inspected, which arrive in large quantities in the United States by water at a port where no Division inspector is stationed and which are consigned to any place where no Division inspector is stationed, shall be inspected at such place as the Director of the Meat Inspection Division, Washington, D. C., on application of the consignee or his agent, or upon the request of the customs officer at the port of arrival, shall direct.

(f) All products required by this part to be inspected, which arrive in small quantities (less than carload lots) in the United States by water at a port where no division inspector is stationed and which are consigned to any place where no Division inspector is stationed, shall be shipped in customs custody under seal to the nearest point where an inspector of the Division is stationed for inspection at that point.

(g) All products required by this part to be inspected, which arrive in the United States otherwise than by water and which are consigned to any place where a Division inspector is stationed, shall be inspected at destination.

(h) All products required by this part to be inspected, which arrive in carload lots in the United States otherwise than by water, and which are consigned to any place where no Division inspector is stationed, shall proceed to destination in customs custody under seal for inspection at destination. In such cases the inspector of the Division or the customs officer at the border port shall immediately telegraph the Director of the Meat Inspection Division, Washington, D. C., all facts in connection with the shipment. Upon receipt of such telegraphic information the Director of Division shall detail an inspector to the point where products are destined to make the required inspection.

(i) All products required by this section to be inspected and which arrive in less than carload lots in the United States otherwise than by water at a border port where an inspector of the Division is stationed, and which are consigned to any place where no Division inspector is stationed, shall be inspected by the inspector of the Division at the border port.

(j) All products required by this part to be inspected and which arrive in less than carload lots in the United States otherwise than by water at a border port where no inspector of the Division is stationed, and which are consigned to any place where no Division inspector is stationed, shall proceed in customs custody under seal to the nearest point where an inspector is stationed for inspection at that point.

(k) No product required by this part to be inspected shall be moved, prior to inspection, from the port of first arrival in the United States, or, if arriving by water, from the wharf where unloaded, unless the same is conveyed in cars, wagons, or other vehicles, sealed, or in packages corded and sealed, in compliance with § 27.9.

(l) Foreign chilled fresh meat shall be inspected in the same manner as domestic chilled fresh meat.

(m) A sufficient sampling inspection shall be made of each consignment of foreign frozen fresh meat, including defrosting if necessary, to determine its condition.

(n) Foreign canned products are required to be sound, healthful, wholesome, and otherwise fit for human food at the time they are offered for importation into the United States. Therefore, consignments of such products containing more than one-fourth of 1 percent of unsound or suspicious cans (leakers, swellers, short vacuums, overstuffed), or both, will not be passed for entry. The initial inspection of foreign canned products shall consist of a 5 percent sample inspection. If more than one-fourth of 1 percent of unsound or suspicious cans (leakers, swellers, short vacuums, overstuffed), or both, are found upon initial sample inspection, then an additional sample inspection of not more than 5 percent shall be made, and if the percentage of unsound or suspicious cans, or both, still exceeds one-fourth of 1 percent the matter shall be referred to the Division and the product held in Customs custody pending further instructions. (If on the initial 5 percent inspection the percentage of unsound or suspicious cans exceeds the tolerance permitted for the 10 percent inspection, then the second 5 percent inspection will not be made.)

(o) Forms MI 410-4 and 410-5 shall be issued by inspectors of the Division or customs officers at border or seaboard ports for reporting the sealing of cars, wagons, other vehicles, and packages of foreign products to Division inspectors in charge at points where such product is to be inspected.

(p) Rubber stamps will be furnished upon requisition for marking customs and transportation papers to show that foreign products are passed for entry, refused entry, condemned, or are transported in customs custody to interior points in the United States for inspection.

(q) Representative samples of canned shelf size (under 3 lbs.) product such as hams, shoulders, shoulder picnics, and pork loins shall be incubated by holding them for at least ten days at about 93° F. When deemed necessary by the Director of Division, incubation may be required for other types of canned product. The necessary incubation facilities shall be provided by the importers or their agents.

§ 27.9 *Import product; movement prior to inspection; sealing; handling; bond; facilities and assistance.* (a) Cars, wagons, other vehicles, or packages in which any product is conveyed in accordance with this part, prior to inspection, from the port of first arrival in the United States, or, if arriving by water, from the wharf where unloaded, unless already sealed with customs or consular seals in accordance with the customs regulations, shall be sealed with special import-meat seals of the Department of Agriculture. Packages shall be securely corded before being offered for sealing. Such special seals shall be affixed by Division inspectors, or, if there be no Division inspector at such port or wharf, then by customs officers.

(b) No person shall affix, break, alter, deface, mutilate, remove, or destroy any special import-meat seal of the Department of Agriculture, except customs officers or Division inspectors or as provided for in paragraph (h) of this section.

(c) No product shall be removed from any car, wagon, other vehicle, or package sealed with a special import-meat seal of the Department of Agriculture except under the supervision of a Division inspector or a customs officer, or as provided for in paragraph (h) of this section.

(d) No product required by this part to be inspected shall be moved, prior to inspection, from any port, or, if arriving by water, from the wharf where first unloaded, to any place other than the place designated by, or in accordance with, this part as the place where the same shall be inspected.

(e) No product required by this part to be inspected shall be conveyed, prior to inspection, from any port, or, if arriving by water, from the wharf where first unloaded, in any manner other than in compliance with this part.

(f) No product required by this part to be inspected shall be delivered to the consignee or his agent prior to inspection, unless the consignee shall furnish a bond, in form prescribed by the Secretary of the Treasury, conditioned that the product shall be returned, if demanded, to the collector of the port where the same is offered for clearance through the customs.

(g) The consignee or his agent shall furnish such facilities and shall provide such assistants for handling and marking product offered for importation as Division inspectors may require.

(h) In case of a wreck or similar extraordinary emergency, the special import-meat seal of the Department of Agriculture on a car, wagon, or other vehicle, may be broken by the carrier, and, if necessary, the articles may be reloaded into another car, wagon, or other vehicle for transportation to destination. In all such cases, the carrier shall immediately report the facts by telegraph to the Director of the Meat Inspection Division, Washington, D. C. Such report shall include the following information:

1. Nature of the emergency.
2. Place where seals were broken.
3. Points of shipment and destination.
4. Identity of the conveying vehicle, such as the initials and number of the car.
5. Identity of the vehicle into which the articles are loaded.
6. Kind and amount of articles.

§ 27.10 *Import product; equipment of conveyances used in handling to be maintained in sanitary condition.* Compartments of steamships, sailing vessels, railroad cars, and other conveyances transporting any product to the United States, and all trucks, chutes, platforms, racks, tables, tools, utensils, and all other devices used in moving and handling any product offered for importation into the United States, shall be maintained in a sanitary condition.

§ 27.11 *Burlap wrapping for foreign meat.* The use of burlap as a wrapping for foreign meat will not be permitted unless the meat is first wrapped with a good grade of paper or cloth of a kind which will prevent contamination with lint or other foreign material.

§ 27.12 *Product imported; samples; inspection of whole consignment; condemnations; exception; marking.* (a) Division inspectors shall take, without cost to the United States, from each consignment offered for importation, samples of any product which is subject to analysis, except that samples of any product offered for importation without inspection under § 27.18 shall not be taken unless there is reason for suspecting the presence therein of a substance in violation of that section.

(b) If the inspection of samples indicates that any product offered for importation into the United States is unsound, unhealthful, unwholesome, or otherwise unfit for human food, a thorough inspection of the whole consignment from which the samples were taken shall be made.

(c) Carcasses and parts of carcasses offered for importation from which such tissues as the peritoneum, pleura, body lymph glands, or the portal glands of the liver have been removed, shall be refused entry.

(d) Any product offered for importation which is found upon inspection to be unsound, unhealthful, unwholesome, or otherwise unfit for human food, or to contain any dye, chemical, preservative or ingredient not permitted by Part 18 of this subchapter, or which is of a kind required by § 27.3 (a) to be refused admission, shall be condemned and marked "U. S. inspected and condemned," except that, upon application to the inspector, any product which is found to contain preservatives not permitted by Parts 1 through 29 of this subchapter, but in the preparation or packing of which no substance has been used in conflict with the laws of the foreign country from which exported, and which is not found to be otherwise unsound, unhealthful, unwholesome, or unfit for human food, may be marked "U. S. refused entry." Any product offered for importation which is found upon inspection not to comply with this part but which is not of a kind required to be marked "U. S. inspected and condemned" shall be designated "U. S. refused entry" or designated and marked "U. S. refused entry" as directed by the inspector in charge, depending upon the inspectional findings.

(e) Any product, or the container thereof, offered for importation from any foreign country and accompanied with a foreign certificate of inspection as required by this part, which, upon inspection by Division inspectors, is not found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food, or to contain any dye, chemical, preservative, or ingredient not permitted by Part 18 of this subchapter, or to violate this part in any respect shall be marked "U. S. inspected and passed by Department of Agriculture," or with an authorized abbreviation of the inspection legend, and with the official name or ab-

breivation of the station to which the inspector is assigned. All product so marked, in compliance with this part, shall, so far as the Department of Agriculture has jurisdiction over the same, be admitted into the United States.

§ 27.13 *Receipts to importers for import meat samples.* In order that importers may be assured that samples of foreign products collected for laboratory examination are to be used exclusively for that purpose, receipts shall be issued and delivered to importers, or their agents, by inspectors for all samples of foreign products collected. The receipt shall be prepared in duplicate on official stationery, over the signature of the inspector who collects the samples, and shall show the name of the importer, country of origin, amount and kind of product collected, date of collection, and that it was collected for laboratory examination. The duplicate copy of the receipt shall be retained by inspectors in charge as their office record.

§ 27.14 *Foreign canned and packaged meat and meat food product, bearing trade labels; sampling and inspection.* (a) Samples of foreign canned and packaged products bearing trade labels which have not been approved shall be collected and forwarded to the laboratory for examination, and the products shall be held pending receipt of the report of the laboratory findings and the results of the examination of trade labels and the marks on shipping containers.

(b) Foreign canned and packaged products bearing trade labels and other markings which have been approved and numbered shall be inspected for soundness and checked for net weight. Check samples may be collected for laboratory examination, but the products need not be held pending the report of laboratory findings.

(c) A single unopened can with all marks and labels intact shall constitute a minimum sample of canned products.

(d) A number of cans sufficient in the judgment of Division inspectors to be representative of the whole consignment shall be taken from more than one case when consignments of foreign canned products consisting of large numbers of small cans are sampled.

§ 27.15 *Foreign product offered for importation; reporting of findings to customs; handling and marking of articles refused entry; marking carcasses and parts.* (a) Division inspectors shall report their findings as to any product which has been inspected in accordance with this part, to the collector at the port where the same is offered for clearance through the customs, and shall request the collector to refuse admission to all product which is marked "U. S. inspected and condemned" or designated "U. S. refused entry" or designated and marked "U. S. refused entry," and to direct that the same be exported by the consignee within a specified time, unless the consignee, within such specified time shall cause the destruction thereof for food purposes under the supervision of a Division inspector. Such specified time shall be 30 days after such notice to customs officers, unless a different time be

fixed by the Director of Division upon application to him. If any such product be destroyed for food purposes under the supervision of a Division inspector, he shall give prompt notice thereof to the collector.

(b) Upon the request of the collector, consignees shall, at their own expense, immediately return to him any product which is marked "U. S. inspected and condemned" or designated "U. S. refused entry" or designated and marked "U. S. refused entry" or which in any respect does not comply with this part. All such product shall be conveyed in cars, wagons, or other vehicles, or in corded packages, sealed with the special import-meat seal of the Department of Agriculture.

(c) No person shall remove or cause to be removed from any place designated as a place of inspection by, or in accordance with, Parts 1 through 29 of this subchapter, any product which Parts 1 through 29 require to be marked in any way, unless the product has been clearly and legibly marked in compliance with such requirements.

(d) The marks required by § 27.12 (d) and (e) shall be applied by branding to carcasses and parts of carcasses offered for importation which are unwrapped or not enclosed in a container. Not less than one brand shall be applied to each quarter of a beef carcass.

§ 27.16 *Marking and labeling of product "U. S. inspected" and passed for importation; application of inspection legend.* (a) In addition to the name of the country of origin, which shall be preceded by the words "product of," product offered for importation, whether or not enclosed in an immediate or true container, shall bear such other marks, stamps, brands, or labels as are necessary for compliance with Part 16 of this subchapter. When such marks are imprints of stamps or brands and are made with branding ink, the latter shall be harmless and of a kind to give permanency to the imprints. In case the name of the country of origin appears as part of an official stamp or brand of the national government and such name is prominently and legibly displayed, the words "product of" may be omitted from such marking.

(b) The immediate or true container of product offered for importation shall bear a label showing (1) the name of product; (2) the name of the country of origin preceded by the words "product of," which statement shall appear immediately under the name of product; (3) the word "ingredients" followed by a list of the ingredients in case of product fabricated from two or more ingredients but not product for which definitions and standards of identity have been prescribed by Parts 1 through 29 of this subchapter; (4) the name and place of business of the manufacturer, packer, or distributor, qualified by a phrase which reveals the connection that such person has with the product, no part of which statement shall be misleading; and (5) an accurate statement of the quantity of contents. The labeling required in this subparagraph for containers shall be in

addition to the marking of the product under paragraph (a) of this section.

(c) (1) All outside containers of product which have been inspected and passed in compliance with this part shall be marked by the inspector, or under his supervision, "U. S. Inspected and passed by Department of Agriculture," or authorized abbreviation thereof and with the name or abbreviation of the name of the official station having jurisdiction over the inspection. The 2½ inch circular rubber import meat brand bearing an authorized abbreviation of the inspection legend and the abbreviated name of the official station shall be used for marking shipping containers of product which conforms to the requirements of this part.

(2) To each immediate or true container of product which has been inspected and passed in compliance with this part and which is to be removed from the outside container at a place other than an official establishment, and thereafter to be transported in interstate or foreign commerce or to an official establishment, there shall be securely affixed, under the supervision of an inspector, a sticker, approved by the Director of Division, bearing an inspection legend and an identifying serial number.

(3) To each immediate or true container of product which has been inspected and passed in compliance with this part and which is removed from an outside container at an official establishment, a sticker bearing an inspection legend and the establishment number shall be securely affixed, before the same shall be allowed to leave the establishment.

§ 27.17 *Outside containers of foreign product; marking and labeling.* (a) Outside containers in which true containers of foreign products are shipped to the United States are required to bear the true name of the product and the name of the country of origin in a prominent and legible manner.

(b) Stencils, box dies, and brands on outside containers of foreign products need not be submitted to the Washington office for approval. However, such marks shall be carefully examined by inspectors, and if it is found that they are false or deceptive the products shall be refused entry.

(c) The marks of inspection of foreign governments embossed on metal containers or branded on carcasses or parts thereof need not be submitted for approval.

(d) All labels and marks on immediate or true containers as well as private brands on carcasses or parts of carcasses shall be submitted for approval, except as provided in paragraph (c) of this section.

§ 27.18 *Small importations for consignee's personal use; requirements.* (a) Any product offered for importation in small quantity exclusively for the personal use of the consignee, and not for sale or distribution, which is sound, healthful, wholesome, and fit for human food, and contains no dye, chemical, preservative, or ingredient not permitted

by Part 18 of this subchapter, and which is not adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act, as amended, may be admitted into the United States without foreign meat-inspection certificates and without inspection and marking; but Division inspectors may inspect any product offered for importation under this paragraph if there is reason for suspecting that it is unsound, unhealthful, unwholesome, or otherwise unfit for food, or contains any dye, chemical, preservative, or ingredient not permitted by Part 18 of this subchapter, or is adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act, as amended.

(b) No product offered for importation under paragraph (a) of this section shall be admitted into the United States if it is unsound, unhealthful, unwholesome, or otherwise unfit for human food, or if it contains any dye, chemical, preservative, or ingredient not permitted by Part 18 of this subchapter, or if it is adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act, as amended.

(c) No carrier shall transport or receive for transportation from one State or Territory or the District of Columbia to or through any other State, Territory, or the District of Columbia, or to any place under the jurisdiction of the United States, any product exempted from inspection and admitted into the United States in compliance with this section unless the shipper shall make and deliver to the carrier a certificate in duplicate in the following form:¹

Date _____, 19____
Name of carrier _____
Shipper _____
Point of shipment _____
Consignee _____

I hereby certify that the following-described meat or meat food products, offered for transportation in interstate commerce, were imported into the United States exclusively for the personal use of the consignee, and not for sale or distribution, and are exempted from inspection by the regulations governing the meat inspection of the United States Department of Agriculture.

Kind of product	Amount and weight
_____	_____
_____	_____
_____	_____

(Signature of shipper) _____
(Address of shipper) _____

The signature of the shipper or of his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the shipment of meat. The duplicate certificate shall be forwarded immediately by the initial carrier to the Director of the Meat Inspection Division, Washington, D. C. If the product is transported by the shipper himself a certificate shall nevertheless be forwarded by him to the Director of the Meat Inspection Division. All waybills, transfer bills, running slips, or conductor's cards accompanying an interstate shipment of any product transported in compliance with this section

¹ See footnote 2, § 25.6 (b).

shall have embodied therein, stamped thereon, or attached thereto a signed statement which shall be evidence to connecting carriers that the shipper's certificate required by this section is on file with the initial carrier; and no connecting carrier shall receive for transportation or transport any interstate shipment of any product under this section unless the waybill, transfer bill, running slip, conductor's card, or other paper, accompanying the same includes the aforesaid signed statement, in the following form:

(Name of transportation company) _____
Imported for the personal use of consignee and exempt from inspection, as evidenced by shipper's certificate on file with initial carrier.
(Signed) _____, Agent.

The signature of the agent shall be written in full.

§ 27.19 *Returned United States inspected and marked products; not importations.* United States inspected and passed and so marked products returned from foreign countries are not importations within the meaning of this part. Such return shipments shall be reported to the division by letter and not on Form MI 410-2.

§ 27.20 *Imported product to be handled and transported as domestic; entry into official establishments; transportation.* (a) All imported product, after admission into the United States in compliance with this part shall be deemed and treated, and, except as provided in § 27.18 (c), shall be handled and transported as domestic product, and shall be subject to the applicable provisions of Parts 1 through 29 of this subchapter and to the provisions, prohibitions, and penalties of the Meat Inspection Act.

(b) Imported product inspected, passed, and marked in accordance with this part may, subject to the provisions of § 18.4 (a) of this subchapter, be taken into official establishments and be mixed with or added to product in such establishments which has been inspected and passed therein.

(c) Imported product which has been inspected, passed, and marked under this part may be transported from one State or Territory or the District of Columbia to or through another State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to a foreign country, only upon compliance with Part 25 of this subchapter.

§ 27.21 *Specimens for laboratory examination and similar purposes.* The provisions in this part do not apply to specimens of product for laboratory examination, research or similar purposes when authorized importation by the Director of Division under conditions specified by him, but the Director of Division may not authorize the importation of fresh, chilled or frozen or other product ineligible for importation into the United States from countries in which the contagious and communicable diseases of rinderpest or foot-and-mouth disease exist.

PART 28—DEFINITIONS AND STANDARDS OF
IDENTITY

Sec.

28.1 Oleomargarine or margarine; identity; label statement of optional ingredients.

28.2 Corned beef hash; identity; label statement of optional ingredients.

28.3 Chopped ham; identity; optional ingredients; labeling.

AUTHORITY: §§ 28.1 to 28.3 issued under 34 Stat. 1284, sec. 308, 48 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 69.

§ 28.1 *Oleomargarine or margarine; identity; label statement of optional ingredients.* (a) Oleomargarine or margarine is the plastic food which is prepared in accordance with the provisions of subparagraphs (1), (2), (3), and (4) of this paragraph.

(1) It is prepared with one or more of the optional fat ingredients named in any one of subdivisions (i), (ii), (iii), (iv) of this subparagraph.

(i) The rendered fat, or oil, or stearin derived therefrom (any or all of which may be hydrogenated), of cattle, sheep, swine, or goats, or any combination of two or more of such articles;

(ii) Any vegetable food fat or oil, or oil or stearin derived therefrom (any or all of which may be hydrogenated), or any combination of two or more of such articles;

(iii) Any combination of ingredients named under subdivisions (i) and (ii) of this subparagraph in such proportion that the weight of the ingredients named under subdivision (i) of this subparagraph either equals the weight of the ingredients named under subdivision (ii) of this subparagraph or exceeds such weight by a ratio not greater than 9 to 1.

(iv) Any combination of ingredients named under subdivisions (i) and (ii) of this subparagraph in such proportion that the weight of the ingredients named under subdivision (ii) of this subparagraph exceeds the weight of the ingredients named under subdivision (i) of this subparagraph by a ratio not greater than 9 to 1;

(2) It contains one of the articles named in the subdivisions (i), (ii), (iii), or (iv) of this subparagraph, or a combination of two or more of such articles, intimately mixed with the fat ingredient or ingredients, after such article has been pasteurized and subjected to the action of harmless bacterial starters. The term "milk" as used in this subparagraph means cow's milk.

(i) Cream;

(ii) Milk;

(iii) Skim milk;

(iv) Any combination of nonfat dry milk and water in which the weight of the nonfat dry milk is not less than 10 percent of the weight of the water;

(v) Congealing is effected, either with or without contact with water, and the congealed mixture may be worked.

(3) It may contain one or more of the following optional ingredients in addition to the ingredients and articles named in subparagraphs (1) and (2) of this paragraph:

(i) Artificial coloring. For the purpose of this subdivision provitamin A shall be deemed to be artificial coloring.

(ii) Sodium benzoate, or benzoic acid, or a combination of these, in a quantity

not to exceed 0.1 percent of the weight of the finished product.

(iii) Vitamin A (with or without any accompanying vitamin D and with or without vitamin D concentrate), in such quantity that the finished oleomargarine or margarine contains not less than 15,000 United States Pharmacopoeia units of vitamin A per pound, as determined by the method prescribed in the Pharmacopoeia of the United States for total biological vitamin A activity. The vitamin A potency prescribed may be furnished by fish liver oil; by concentrates of vitamin A or its fatty acid esters from animal sources; by synthetic vitamin A or its fatty acid esters; by mixtures of synthetic vitamin A or its fatty acid esters with harmless substances formed during the synthesis of the vitamin A, if the vitamin A or its fatty acid ester constitutes not less than 50 percent of the mixture; by provitamin A; or by any combination of two or more of these. For the purposes of this subdivision the term "fatty acid" may include acetic acid.

(iv) The artificial flavoring diacetyl added as such, or as starter distillate, or produced during the preparation of the product as a result of the addition of citric acid or harmless citrates.

(v) (a) Lecithin, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine or margarine; or (b) monoglycerides or diglycerides of fat-forming fatty acids, or a combination of these, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine or margarine; or (c) such monoglycerides and diglycerides in combination with the sodium sulfacetate derivatives thereof in a total amount not exceeding 0.5 percent of the weight of the finished oleomargarine or margarine; or (d) a combination of (a) and (b) of this subdivision in which the amount of neither exceeds that above stated; or (e) a combination of (a) and (c) of this subdivision in a total amount not exceeding 0.5 percent of the weight of the finished oleomargarine or margarine. The weight of diglycerides in each of ingredients (b), (c), (d) and (e) of this subdivision is calculated at one-half actual weight.

(vi) Butter.

(vii) Salt.

(viii) Citric acid incorporated in the fat or oil ingredient used.

(ix) Isopropyl citrates incorporated in the fat or oil ingredient used, in an amount not to exceed 0.02 percent by weight of the finished oleomargarine or margarine.

(x) Stearyl citrate incorporated in the fat or oil ingredient in an amount not to exceed 0.15 percent by weight of the finished oleomargarine or margarine.

(4) The finished oleomargarine or margarine shall contain not less than 80 percent fat, as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," 7th Edition, Page 259, under "Indirect Method," section 15.111.

(b) (1) When any ingredient named under one of the following specified subdivisions of subparagraphs of paragraph (a) of this section is used, the label

shall, except as provided in subparagraph (2) of this paragraph, bear the statement set forth after such specified subdivision:

(i) Subdivision (i), subparagraph (1): "Prepared from Animal Fat," or "Made from Animal Fat," or "Prepared from Meat Fat," or "Made from Meat Fat."

(ii) Subdivision (iii), subparagraph (1): "Prepared from Animal and Vegetable Fats," or "Made from Animal and Vegetable Fats," or "Prepared from Meat Fats and Vegetable Fats," or "Made from Meat Fats and Vegetable Fats."

(iii) Subdivision (iv), subparagraph (1): "Prepared from Vegetable and Animal Fats," or "Made from Vegetable and Animal Fats," or "Prepared from Vegetable and Meat Fats," or "Made from Vegetable and Meat Fats."

(iv) Subdivision (i), subparagraph (3): "Artificially Colored," or "Artificial Coloring Added," or "With Added Artificial Coloring."

(v) Subdivision (ii), subparagraph (3): "Sodium Benzoate (or, as the case may be, 'Benzoic Acid' or 'Sodium Benzoate and Benzoic Acid') Added as a Preservative," or "With Added Sodium Benzoate (or, as the case may be, 'Benzoic Acid' or 'Sodium Benzoate and Benzoic Acid') as a Preservative," stating the percent used.

(vi) Subdivision (iii), subparagraph (3): "Vitamin A Added," or "With Added Vitamin A."

(vii) Subdivision (iv), subparagraph (3): "Artificially Flavored," or "Artificial Flavoring Added," or "With Added Artificial Flavoring."

(viii) Subdivision (viii), subparagraph (3): "Citric Acid Added To Protect Flavor" or "Citric Acid Added as a Preservative."

(ix) Subdivision (ix), subparagraph (3): "Isopropyl Citrate Added To Protect Flavor" or "Isopropyl Citrate Added as a Preservative."

(x) Subdivision (x), subparagraph (3): "Stearyl Citrate Added To Protect Flavor" or "Stearyl Citrate Added as a Preservative."

(2) Where oil is used, the word "oil" may be substituted for "fat" in the label statement. In lieu of the words "animal," "meat," or "vegetable" in any such statement, the common or usual name of the fat ingredient may be used. If two or more of the optional ingredients named in subdivisions (i), (ii), (iii), (iv), (viii), (ix), and (x) of subparagraph (3) of paragraph (a) of this section are used, the words "added" or "with added" need appear only once, either at the beginning or end of the list of such ingredients declared. The declaration of vitamin A may include the number of United States Pharmacopoeia Units which have been added.

(3) Whenever the name "oleomargarine" or "margarine" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed in this section showing ingredients used shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name, without intervening written, printed, or other graphic matter.

§ 28.2 *Corned beef hash: identity; label statement of optional ingredients.* (a) Corned beef hash is the semi-solid meat food product in the form of a compact mass which is prepared with beef, potatoes, curing agents, seasoning, and any of the optional ingredients listed under paragraph (b) of this section, in accordance with the provisions of subparagraphs (1), (2), (3), and (4) of this paragraph and the provisions of paragraph (c) of this section.

(1) Either fresh beef, cured beef, or canned corned beef, or a mixture of two or more of these ingredients, may be used, and the finished product shall contain not less than 35 percent of beef computed on the weight of the cooked and trimmed beef. The weight of the cooked meat used in this calculation shall not exceed 70 percent of the weight of the uncooked fresh meat.

(2) Potatoes refers to fresh potatoes, dehydrated potatoes, cooked dehydrated potatoes, or a mixture of two or more of these ingredients.

(3) Curing agents refers to either salt, sodium nitrate, sodium nitrite, potassium nitrate, or potassium nitrite, or a combination of two or more of these ingredients. When sodium nitrate, sodium nitrite, potassium nitrate, or potassium nitrite is used it shall be used in amounts not exceeding those specified in § 18.7 (k) of this subchapter.

(4) Seasoning refers to salt, sugar (sucrose or dextrose), spice, and/or flavoring, including essential oils, oleoresins, and other spice extractives.

(b) Corned beef hash may contain one or more of the following optional ingredients:

(1) Beef cheek meat and beef head meat from which the overlying glandular and connective tissues have been removed, and beef heart meat, exclusive of the heart cap, may be used individually or collectively to the extent of 5 percent of the meat ingredient.

(2) Onions, including fresh onions, dehydrated onions, or onion powder.

(3) Garlic, including fresh garlic, dehydrated garlic, or garlic powder.

(4) Water.

(5) Beef broth or beef stock.

(6) Monosodium glutamate.

(7) Hydrolyzed plant protein.

(8) Beef fat.

(c) The finished product shall not contain more than 15 percent fat nor more than 72 percent moisture.

(d) (1) The label shall bear the name "corned beef hash".

(2) When any ingredient specified in paragraph (b) (1) of this section is used, the label shall bear the following applicable statement: Beef cheek meat constitutes 5 percent of the meat ingredient, or beef head meat constitutes 5 percent of the meat ingredient, or beef heart meat constitutes 5 percent of the meat ingredient. When two or more of the ingredients are used the words "constitutes 5 percent of meat ingredient" need only appear once.

(3) Whenever the words "corned beef hash" are featured on the label so conspicuously as to identify the contents, the statements prescribed in subparagraph (2) of this paragraph shall immediately and conspicuously precede or follow such name without intervening written, printed, or other graphic matter.

mediately and conspicuously precede or follow such name without intervening written, printed, or other graphic matter.

§ 28.3 *Chopped ham: identity; optional ingredients; labeling.* (a) Chopped ham is the semi-solid meat food product, in the form of a compact mass with a limited amount of cooked out juices, which is prepared with ham, curing agents, seasonings and any of the optional ingredients listed in paragraph (b) of this section, in accordance with the provisions of subparagraphs (1), (2), and (3) of this paragraph.

(1) Fresh ham, cured ham, or smoked ham, or a mixture of two or more of such meat components may be used. The weight of the cured chopped ham prior to processing shall not exceed the weight of the fresh uncured ham and fresh uncured ham shank meat if any is used, exclusive of the bones and fat removed in the boning operations, plus the weight of the curing ingredients and 3 percent moisture.

(2) The curing agents which may be used, singly or in combination, are salt, sodium nitrate, sodium nitrite, potassium nitrate, and potassium nitrite. When sodium nitrate, sodium nitrite, potassium nitrate or potassium nitrite is used, singly or in combination, the amount thereof shall not exceed that permitted in § 18.7 (k) of this subchapter.

(3) The seasonings which may be used, singly or in combination, are salt, sugar (sucrose or dextrose), spice, and flavoring, including essential oils, oleo resins and other spice extractives.

(b) Chopped ham may contain one or more of the following optional ingredients:

(1) Finely chopped ham shank meat (fresh, cured or smoked, or a combination thereof) to the extent of not more than 25 percent over that normally present in the boneless ham.

(2) Water, for the purpose of dissolving the curing agents, and not in excess of the amount permitted in paragraph (a) (1) of this section.

(3) Monosodium glutamate.

(4) Hydrolyzed plant protein.

(5) Corn syrup solids, corn syrup and glucose syrup, singly or in combination, in an amount not to exceed 2 percent (calculated on a dry basis) of all the ingredients used in preparing the chopped ham.

(6) Disodium phosphate, sodium hexametaphosphate, sodium tripolyphosphate, sodium pyrophosphate, and sodium acid pyrophosphate, singly or in combination, in an amount not to exceed that permitted in § 18.7 (r) of this subchapter.

(7) Ascorbic acid, sodium ascorbate, isoascorbic acid or sodium isoascorbate in an amount not to exceed that permitted in § 18.7 (s) of this subchapter.

(8) Dehydrated onions or onion powder.

(9) Dehydrated garlic or garlic powder.

(c) The label shall bear the name "chopped ham".

PART 29—INSPECTION AND HANDLING OF HORSE MEAT AND PRODUCTS THEREOF

- | | |
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| Sec. | |
| 29.1 | Establishments required to have inspection. |
| 29.2 | Slaughter of horses and preparation of meat thereof; separate establishments. |
| 29.3 | Affections requiring condemnation on ante-mortem or post-mortem inspection; glanders and dourine suspects. |
| 29.4 | Horse carcasses, meat and meat food products thereof; marking and labeling. |
| 29.5 | Horse meat or meat food products thereof; domestic meat labels. |
| 29.6 | Export horse meat and horse-meat products; stamps and certificates. |
| 29.7 | Horse-meat certificates for Norway. |
| 29.8 | Certification of horse meat for The Netherlands. |
| 29.9 | Applicability of meat inspection regulations with respect to domestic horse meat and horse meat food products. |
| 29.10 | Eligibility of foreign countries for importation of horse meat and horse meat food products into the United States. |
| 29.11 | Imported horse meat and horse meat food products; foreign certificates required. |
| 29.12 | Applicability of meat inspection regulations to importation of horse meat and horse meat food products. |
| 29.13 | Imported horse meat and horse meat food products to be handled and transported as domestic. |
| 29.14 | Definitions. |

AUTHORITY: §§ 29.1 to 29.14 issued under 34 Stat. 1264, 41 Stat. 241, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89, 96.

§ 29.1 *Establishments required to have inspection.* Every establishment in the United States, in which horses are slaughtered for transportation or sale as articles of interstate or foreign commerce, or in which carcasses, parts of carcasses, meat, or meat food products of, or derived from horses are, wholly or in part, canned, cured, smoked, salted, packed, rendered, or otherwise prepared for transportation or sale as articles of interstate or foreign commerce which are capable of being used as food for man, shall have inspection under the provisions of Parts 1 through 29 of this subchapter.

§ 29.2 *Slaughter of horses and preparation of meat thereof; separate establishments.* The slaughter of horses and the preparation and handling of the meat and meat food products thereof shall be conducted in establishments separate and apart from any establishment in which cattle, sheep, swine, or goats are slaughtered, or the meat or meat food products thereof are prepared or handled.

§ 29.3 *Affections requiring condemnation on ante-mortem or post-mortem inspection; glanders and dourine suspects.* (a) All horses found upon either ante-mortem or post-mortem inspection or examination to be affected with strangles, purpura hemorrhagica, azoturia, infectious equine encephalomyelitis, toxic encephalomyelitis (forage poisoning), infectious anemia (swamp fever), dourine, acute influenza, generalized osteoporosis, glanders, farcy, or

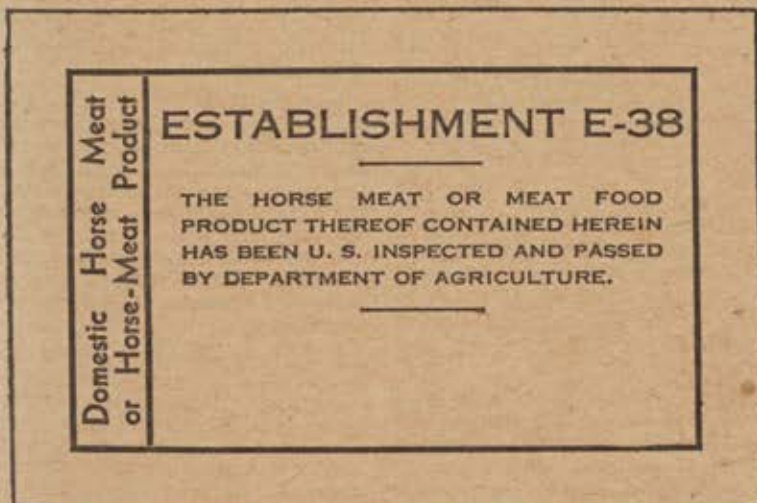
other malignant disorder, acute inflammatory lameness or extensive fistula, shall be condemned.

(b) Any horse which is suspected on ante-mortem inspection of being infected with glanders shall be tested with mallein; and any horse which on physical examination is suspected of being affected with dourine shall be held for further examination or for such test as the Director of Division may prescribe.

§ 29.4 *Horse carcasses, meat and meat food products thereof; marking and labeling.* All horse carcasses, parts of carcasses, meat and meat food products thereof shall be conspicuously labeled, marked, branded, or tagged "horse meat" or "horse-meat product." (See illustration.) Only green ink shall be used in branding horse meat and horse-meat product with the mark of inspection.



§ 29.5 *Horse meat or meat food products thereof; domestic meat labels.* The domestic meat labels for horse meat or meat food products thereof shall be printed with black ink on light green paper of good quality, shall be 2 3/4 by 4 inches in size and shall be in form and substance as illustrated below, except that the name and address of the establishment, or the name only, may also be printed on the label, at the bottom thereof:



§ 29.6 *Export horse meat and horse-meat products; stamps and certificates.* Numbered stamps and certificates printed on paper light green in color, to be known as export horse-meat

stamps and certificates, shall be issued to identify all horse meat and meat food products thereof packed for export. Such stamp or stamps and certificate shall be issued for each consignment of horse meat or meat food product thereof forwarded from the United States.

§ 29.7 *Horse-meat certificates for Norway.* In accordance with the regulations of Norway, export certificates for horse meat or horse-meat product exported from the United States to Norway are required to be visaed by Norwegian consuls in the United States.

§ 29.8 *Certification of horse meat for The Netherlands.* Inspectors will issue Form MI 412-9 for horse meat and horse-meat product destined to The Netherlands, in addition to the export horse-meat certificates.

§ 29.9 *Applicability of meat inspection regulations with respect to domestic horse meat and horse meat food products.* All of the provisions of Parts 1 through 29 of this subchapter, unless specifically inapplicable, are hereby made applicable to establishments required to have inspection under § 29.1, to such inspection service, and to the transportation from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to any foreign country, of horse meat and horse meat food products, capable of being used as food for man.

§ 29.10 *Eligibility of foreign countries for importation of horse meat and horse meat food products into the United States.* (a) Whenever it shall be determined that the system of horse meat inspection maintained by any foreign country is the substantial equivalent of, or is as efficient as, the system established and maintained by the United States, and that reliance can be placed upon certificates required under this part from authorities of such foreign country, notice of that fact will be given by in-

terminated to be sufficient shall be eligible for importation into the United States from such foreign country, as provided in paragraph (b) of this section. Horse meat and horse meat food products from foreign countries not listed in paragraph (b) of this section are not eligible for importation into the United States. The listing of any foreign country under this section may be withdrawn whenever it shall be determined (1) that the system of horse meat inspection maintained by such foreign country is not the substantial equivalent of, or is not as efficient as, the system established and maintained by the United States, or that reliance cannot be placed upon certificates required under this part from authorities of such foreign country; or (2) that, for lack of current information concerning the system of horse meat inspection being maintained by such foreign country or for any other reason, such foreign country should reestablish its eligibility for listing.

(b) It has been determined that horse meat and horse meat food products from the following foreign countries covered by foreign horse meat inspection certificates of the country of origin as required by § 29.11 are eligible for importation into the United States after inspection and marking as required by the applicable provisions of Parts 1 through 29 of this subchapter and upon compliance with any requirements of the Animal Inspection and Quarantine Division of the Agricultural Research Service:

Argentina.
Mexico.

§ 29.11 *Imported horse meat and horse meat food products; foreign certificates required.* Except as provided in § 27.6 (e) of this subchapter, each consignment containing any horse meat or horse meat food products capable of being used as food for man, consigned to the United States from a foreign country shall be accompanied with a foreign horse meat inspection certificate in the following form:

FOREIGN OFFICIAL HORSE MEAT INSPECTION
CERTIFICATE

Place _____
(City) (Country)
(Date)

I hereby certify that the horse meat and horse meat food products herein described were derived from horses which received ante-mortem and post-mortem veterinary inspections at the time of slaughter, and that such horse meat and horse meat food products are sound, healthful, wholesome, and otherwise fit for human food, and have not been treated with, and do not contain, any preservative, coloring matter, or other substance not permitted by the regulations governing the horse meat inspection of the United States Department of Agriculture, filed with me, and that said horse meat and horse meat food products have been handled only in a sanitary manner in this country.

Kind of Product	Number of Pieces or Packages	Weight

cluding the name of such foreign country in paragraph (b) of this section, and thereafter horse meat and horse meat food products as to which the foreign inspection and certification is de-

Identification marks on horse meat and packages:
 Consignor _____
 Address _____
 Consignee _____
 Destination _____
 Shipping marks _____
 (Signature) _____

(Name of official of national foreign government authorized to issue inspection certificates for horse meat and horse meat food products exported to the United States.)

(Official title) _____

§ 29.12 *Applicability of meat inspection regulations to importation of horse meat and horse meat food products.* In addition to other sections of this part which apply to the importation of horse meat and horse meat food products, capable of being used as food for man, § 29.4, all of the provisions of Part 27 of this subchapter (except §§ 27.1; 27.2; 27.6 (a), (f), (g), and (h); 27.18; and 27.20 (a) and (c)), and all of the provisions of other parts of this subchapter as specified in said Part 27 which are applicable to horse meat and horse meat food products under § 29.9, are hereby made applicable to the importation of such horse meat and horse meat food products.

§ 29.13 *Imported horse meat and horse meat food products to be handled and transported as domestic.* All imported horse meat and horse meat food products, capable of being used as food for man, after admission into the United States in compliance with this part shall be deemed and treated and shall be handled and transported as domestic horse meat and horse meat food products, and shall be subject to the provisions of Parts 1 through 29 of this subchapter which are applicable to domestic horse meat and horse meat food products, and to the provisions, prohibitions, and penalties of the Horse Meat Act and the Meat Inspection Act as made applicable to horse meat and horse meat food products. Imported horse meat and horse meat food products which have been inspected, passed, and marked under this part may be transported from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to a foreign country, only upon compliance with all of the provisions of Part 25 of this subchapter, except §§ 25.10 and 25.11, as if said provisions referred to horses, horse meat and horse meat food products.

§ 29.14 *Definitions.* As used in this part:

- (a) The term "United States" includes Alaska, Hawaii, and Puerto Rico.
 (b) The term "horse meat food product" and the term "horse-meat product" include horse meat byproduct.

PART 40—IDENTIFICATION AND CERTIFICATION SERVICE FOR MEAT AND OTHER PRODUCT

- Sec.
 40.1 Meaning of words.
 40.2 Definitions.

- Sec.
 40.3 Kind of service.
 40.4 Availability of service.
 40.5 Application for service.
 40.6 Denial or withdrawal of service.
 40.7 Fees and charges.

AUTHORITY: §§ 40.1 to 40.7 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624. Interpret or apply R. S. 520, 34 Stat. 1260-1265, as amended, 41 Stat. 241, sec. 306, 46 Stat. 689, sec. 203, 60 Stat. 1087, as amended; 5 U. S. C. 511, 19 U. S. C. 1306, 21 U. S. C. 71-91, 96, 7 U. S. C. 1622.

§ 40.1 *Meaning of words.* Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 40.2 *Definitions.* For the purposes of the regulations in this part, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *Department.* The United States Department of Agriculture.

(b) *Service.* The Agricultural Research Service of the Department.

(c) *Administrator.* The Administrator of the Service or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) *Director.* The Director, Meat Inspection Division of the Service, or any officer or employee of the Department, to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(e) *Inspector.* Any officer or employee of the Department authorized to perform any duties under the regulations in this part.

(f) *Person.* Any individual, corporation, company, association, firm, partnership, society, or joint stock company, or other organized group of any of the foregoing.

(g) *Federally inspected and passed.* Inspected and passed under the Meat Inspection Act, as amended (21 U. S. C. 71 et seq.) or under the provisions in paragraphs 306 (b) and (c) of the Tariff Act of 1930 (19 U. S. C. 1306 (b) and (c)).

(h) *Official establishment.* An establishment operated under Federal meat inspection pursuant to the Meat Inspection Act, as amended (21 U. S. C. 71 et seq.).

§ 40.3 *Kind of service.* Meat or other product that is federally inspected and passed at an official establishment or upon importation is officially marked at such establishment or the port of entry with sufficient marks of Federal meat inspection to identify, as federally inspected and passed, the carcass, tank carload, or other basic unit constituting the product when it leaves such establishment or is allowed importation. In order to facilitate the division of such carcass, tank carload, or other unit into smaller portions and to maintain the identity of such portions as federally inspected and passed, service may be furnished, upon application, under the regulations in this part to identify such portions as part of a unit which was federally inspected and passed and so

marked and to mark such portions with the marks of Federal meat inspection. In order to meet requirements of a purchaser, or of a supplier, or others, that are not imposed or are in addition to those imposed by the regulations in Parts 1 through 29 of this subchapter and the laws under which such regulations were issued, with respect to such carcass, tank carload, or other basic unit, to be exported, service may be furnished, upon application, under the regulations in this part to certify such characteristics of or factors concerning the product as may be requested in the application for service.

§ 40.4 *Availability of service.* Service under the regulations in this part will be available only with respect to meat or other product which is sound, healthful, wholesome, and fit for human food at the time the service would be furnished; which can be identified as a portion of a carcass, tank carload, or other basic unit which was federally inspected and passed and so marked; and, in the case of identification service, which is on premises other than those of an official establishment.

§ 40.5 *Application for service.* Any person who desires to receive service under the regulations in this part for meat or other product eligible therefor under such regulations may make application for service to the Director, upon an application form which will be furnished by the Director upon request.

§ 40.6 *Denial or withdrawal of service.* (a) If any person has applied for service for meat or other product not eligible therefor under the regulations in this part, or has failed to make proper application for service or to pay fees and charges due for service furnished or to be furnished to him under the regulations in this part, or if the service cannot be furnished to any person applying therefor because of lack of available inspectors or other administrative reasons, the service may be denied to such person by the Director until the condition justifying such denial is corrected.

(b) Service under the regulations in this part may also be denied to any person by the Administrator for such period as he may deem proper, if it is determined, after opportunity for hearing before a proper official in the Department, that such person has been responsible for any willful misrepresentation to the Department concerning any meat or other product for which service has been requested under the regulations, in this part, or that such person has been responsible for the use without authority, or the imitation, of any marks or certificates of Federal meat inspection on or with respect to any meat or other product, or has otherwise been responsible for any fraudulent or deceptive practice with respect to such service, or that such person has interfered with or obstructed any inspector in the performance of his duties under the regulations in this part, or attempted to do so. Pending final determination of the matter, the Director may deny or withdraw service without hearing in those cases where the public interests so require. In other cases prior

to the institution of proceedings for denial of service under this paragraph, the facts or conduct which may warrant such action shall be called to the attention of the person involved, in writing, and he shall be given an opportunity to demonstrate or achieve compliance with all applicable requirements.

§ 40.7 Fees and charges. (a) Fees and charges for service under the regulations in this part shall be paid by the applicant for the service in accordance with this section, and, if required by the Administrator, the fees and charges shall be paid in advance.

(b) The fees and charges provided for in this section shall be paid by check, draft, or money order payable to the Treasurer of the United States and shall be remitted promptly to the Administrator upon furnishing to the applicant of a statement as to the amount due.

(c) The fees to be charged and collected for service under the regulations in this part shall be at a uniform hourly rate fixed by the Director, Meat Inspection Division, to cover the costs of the service and shall be charged for the time required to render such service, including but not limited to the time required for the travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative workweek.

(d) Charges may also be made to cover the cost of travel and other expenses incurred by the Service in connection with the furnishing of the service.

Subchapter B—Cooperative Control and Eradication of Animal Diseases

PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS (BANG'S DISEASE), TUBERCULOSIS, OR PARATUBERCULOSIS

- Sec.
51.1 Definitions.
51.2 Payment to owners for cattle destroyed.
51.3 Record of tests.
51.4 Appraisals.
51.5 Report of appraisals.
51.6 Time limit for slaughter.
51.7 Report of salvage proceeds.
51.8 Claims for indemnity.
51.9 Claims not allowed.
51.10 Part 53 of this chapter not applicable.

AUTHORITY: §§ 51.1 to 51.10 issued under sec. 3, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 11, 58 Stat. 734, as amended; 21 U. S. C. 114, 111, 114a.

§ 51.1 Definitions. For the purposes of this part, the following terms shall be construed, respectively, to mean:

(a) "Department": The United States Department of Agriculture.

(b) "Division": Animal Disease Eradication Division of the Department.

(c) "Director of Division": The Director of the Division or any other officer or employee of the division to whom authority has heretofore lawfully been delegated, or may hereafter lawfully be delegated, to act in his stead.

(d) "Veterinarian in Charge": The veterinary inspector who is assigned by the Director of Division to supervise and perform official work at an official station and who reports directly to the Director of Division, and in whose juris-

diction particular cattle are tested and appraised.

(e) "Division Representative": Any inspector or other person employed by the Division who is authorized by the Director of Division to do any work or perform any duty in connection with the control and eradication of brucellosis, tuberculosis, and paratuberculosis of animals.

(f) "State": A State, the District of Columbia, or a Territory or possession of the United States; or a political subdivision thereof; which has executed a cooperative agreement with the Division for the control and eradication of brucellosis, tuberculosis, or paratuberculosis.

(g) "Accredited veterinarian": A veterinarian recommended by a State, approved by a Veterinarian in Charge, and accredited by the Division.

(h) "Mortgage": Any mortgage, lien or other security or beneficial interest held by any person other than the one claiming indemnity.

(i) "Person": Any individual, corporation, company, association, firm, partnership, society, or joint stock company, or any organized group of any of the foregoing.

(j) "Owner": Any person who has a beneficial interest in cattle whether or not they are subject to a mortgage.

(k) "Brucellosis": The disease commonly known as "Bang's Disease."

(l) "Destroyed": Condemned under State authority and destroyed by slaughter or by death otherwise.

(m) **Official vaccine.** A bovine animal vaccinated against brucellosis while from 4 through 8 months of age, on or before June 30, 1957, or a bovine animal of a beef breed in a range or semi-range area vaccinated against brucellosis while from 4 to 12 months of age, on or before June 30, 1957, under the supervision of a Federal or State veterinary official, with a vaccine approved by the Division; or a bovine animal vaccinated against brucellosis while from 4 through 8 months of age, subcutaneously, on or after July 1, 1957, or a bovine animal of a beef breed in a range or semi-range area vaccinated against brucellosis while from 4 to 12 months of age, subcutaneously, on or after July 1, 1957, under the supervision of a Federal or State veterinary official, with 5 cc. of a vaccine approved by the Division; permanently identified as such a vaccinee; and reported at the time of vaccination to the appropriate State or Federal agency cooperating in the eradication of brucellosis.

§ 51.2 **Payment to owners for cattle destroyed.** Owners of cattle which are destroyed because of brucellosis, tuberculosis, or paratuberculosis may be paid an indemnity by the Department for each animal so destroyed not to exceed one-third of the difference between the appraised value of the animal and the salvage value thereof, ascertained in accordance with the provisions of §§ 51.4 and 51.7: *Provided, however,* That no such payment for cattle destroyed shall exceed \$25 for any grade animal or \$50 for any purebred animal: *And provided*

further, That in the case of tuberculosis or paratuberculosis reactors no such payment shall exceed the amount paid or to be paid by the State where the animal was condemned.

§ 51.3 **Record of tests.** When any cattle in a herd are classified by a Division or State representative as reactors to a test for brucellosis, tuberculosis, or paratuberculosis, a complete test record shall be made by such representative for such herd, including the reactor tag number of each reacting animal and the registration name and number of each reacting purebred animal. In the case of any herd having any reactor to a brucellosis test, the record shall be shown on TE Form 33-A or acceptable form furnished by the State. TE Form 20-B or acceptable form furnished by the State shall be used for the record of any herd having any reactor to a tuberculosis or paratuberculosis test. A copy of the applicable test record shall be given to the owner of any such herd, and one copy of each such record shall be furnished to the appropriate Veterinarian in Charge.

§ 51.4 **Appraisals.** Cattle to be destroyed because of brucellosis, tuberculosis, or paratuberculosis shall be appraised by a Division or State representative. When thus appraised, due consideration shall be given to their breeding value as well as to their dairy or meat value. Cattle presented for appraisal as purebred shall be accompanied by their registration papers at the time of the appraisal or they shall be appraised as grade cattle: *Provided, however,* That if registration papers are temporarily not available, or if the cattle are less than three years old and unregistered, the appropriate Veterinarian in Charge may grant a reasonable time for the presentation of their registration papers to the appraiser or to the Veterinarian in Charge. The one receiving the papers shall be responsible for their verification. The Division may decline to accept any appraisal that appears to it to be unreasonable or out of proportion to the market value of cattle of a like quality.

§ 51.5 **Report of appraisals.** Appraisals made in accordance with § 51.4 shall be recorded by the appraiser on TE Form 23 which shall also show the reactor tag number of each reacting animal and whether the animal is purebred or grade. At the time of appraisal, the TE Form 23 shall be signed by the appraiser, and by the owner certifying his acceptance of the appraisal. The original of the TE Form 23 and as many copies thereof as may be required for the Division, the State, and the owner of the cattle, shall be sent to the appropriate veterinarian in charge.

§ 51.6 **Time limit for slaughter.** Payment of indemnity will be made under this part for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis only if the animals are slaughtered or die otherwise within 15 days after the date of appraisal, except that the appropriate Veterinarian in Charge, for reasons satisfactory to him, may extend the period to 30 days and the Director of

Division, for reasons satisfactory to him, may extend it beyond 30 days.

§ 51.7 Report of salvage proceeds. A report of the salvage derived from the sale of each animal on which a claim for indemnity may be made under the provisions of this part shall be made on TE Form 24, or acceptable form furnished by the purchaser or selling agent, which shall be signed by the purchaser or his agent or by the selling agent handling the cattle. If the cattle are sold by the pound, the TE Form 24 shall show the weight, price per pound, gross receipts, expenses if any, and net proceeds. If the cattle are not sold on a per pound basis, the net purchase price of each animal must be stated on the TE Form 24 and an explanation showing how the amount was arrived at must be submitted. In the event the cattle are not disposed of through regular slaughterers or through selling agents, the owner shall furnish, in lieu of TE Form 24, an affidavit showing the amount of salvage obtained by him and shall certify that such amount is all that he has received or will receive as salvage for said cattle. In an emergency, a certificate executed by the appropriate Veterinarian in Charge will be acceptable in lieu of the owner's affidavit. The salvage shall be considered to be the net amount received for an animal after deducting freight, truckage, yardage, commissions, slaughtering charges, and similar costs. No charges for holding cattle on the farm pending slaughter or for trucking by the owner shall be so deducted or otherwise paid by the Department. The original of TE Form 24 or acceptable form furnished by the purchaser or selling agent, or the affidavit of the owner or certificate of the appropriate Veterinarian in Charge, furnished in lieu thereof, shall be furnished to the Veterinarian in Charge if it is not already in his possession. Additional copies may be furnished to the State officials, if required.

§ 51.8 Claims for indemnity. Claims for indemnity for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis, shall be presented on ADE Form 1-23 on which the owner of the cattle shall certify that the animals covered thereby, are, or are not, subject to any mortgage as defined in this part. If the owner states there is a mortgage, ADE Form 1-25 shall be signed by the owner and by each person holding a mortgage on the animals, consenting to the payment of any indemnity allowed to the person specified thereon. Payment will be made only if the ADE Form 1-23 has been approved by a proper State official and if payment of the claim has been recommended by the appropriate Veterinarian in Charge or an official designated by him. The Veterinarian in Charge or official designated by him shall record on the ADE Form 1-23 the salvage value of the cattle destroyed and the amount of Federal and State indemnity payments that appears to be due to the owner of the cattle, and shall furnish a copy of the form to the owner. The Veterinarian in Charge or official designated by him shall then forward ADE Form 1-23 to the appropriate official for further action on the claim.

§ 51.9 Claims not allowed. Claims for compensation for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis shall not be allowed if any of the following circumstances exist:

(a) If the claimant has failed to comply with any of the requirements of this part.

(b) If the cattle are classified as affected with tuberculosis or paratuberculosis on the basis of a test, unless the existence of the disease in the cattle was determined as the result of a tuberculin or Johnin test applied by a Division, State or accredited veterinarian; or if the cattle are classified as affected with brucellosis, unless the existence of the disease in the cattle was determined as the result of an agglutination test applied by such a veterinarian, or by a nonveterinary technician under the supervision of a Division or State veterinarian.

(c) If the existence of any such disease in the cattle was determined as the result of a tuberculin, Johnin, or agglutination test applied by an accredited veterinarian and specific instructions for the administration of such test had not previously been issued to such veterinarian in writing by the proper Division and State authorities.

(d) If the cattle were classified as tuberculous or paratuberculous unless they reacted to the tuberculin or Johnin test or revealed lesions of either disease upon autopsy.

(e) If, at the time of test or condemnation, the cattle belonged to or were upon the premises of any person to whom they had been sold, shipped, or delivered for slaughter.

(f) If, at the time of the condemnation of the cattle for brucellosis, tuberculosis or paratuberculosis, the cattle were not in a State in which cooperative eradication work was being conducted with respect to such disease.

(g) If the cattle were destroyed as reactors to tests for tuberculosis, or paratuberculosis, unless the claim is to be paid in cooperation with, and supplementary to, payments to be made by the State in which said cattle were condemned.

(h) If any part of the claimant's herd has not been tested under Division and State supervision for the eradication of the particular disease for which the animals covered by the indemnity claim were condemned.

(i) If the premises occupied by the cattle which were destroyed and all infected or exposed materials on such premises have not been properly cleaned and disinfected, with a disinfectant permitted by the Division in accordance with recommendations of the proper State and Division official, within 15 days from date reactors were removed from premises, except that the appropriate Veterinarian in Charge, for reasons satisfactory to him, may extend the period to 30 days and the Director of Division, for reasons satisfactory to him, may extend it beyond 30 days.

(j) If the cattle were steers, unless they were work oxen, or if they were bulls and were not purebred.

(k) If the cattle were destroyed as reactors to tests for tuberculosis or

paratuberculosis, unless they were marked for identification by branding the letter "T" on the left jaw, not less than 2 nor more than 3 inches high, and unless a metal tag bearing a serial number and the inscription "U. S. B. A. I. Reactor," or a similar State reactor tag, was suitably attached to the left ear of each animal.

(l) If the cattle were destroyed because of brucellosis, unless they were marked for identification by branding the letter "B" on the left jaw, not less than 2 nor more than 3 inches high, and unless a metal tag bearing a serial number and inscription "U. S. B. A. I. Reactor, B. D.," or a similar State reactor tag, was suitably attached to the left ear of each animal.

(m) If the cattle were "officially vaccinated" and reacted positively to the blood agglutination test for brucellosis, unless such animals were at least 30 months of age; or if the reactors were vaccinated animals, and properly verified but not "officially vaccinated" as defined, unless there is also a record of a negative blood agglutination test made not less than 30 days following the date of vaccination.

(n) If the cattle were calves under 6 months of age which reacted only to the agglutination blood test for brucellosis.

(o) If there is substantial evidence that the owner or his agent has in any way been responsible for any attempt unlawfully or improperly to obtain indemnity funds for such cattle.

§ 51.10 Part 53 of this chapter not applicable. No claim for indemnity for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis shall hereafter be paid or allowed under the regulations contained in Part 53 of this chapter, but all such claims shall be presented and paid pursuant to and in compliance with the regulations contained in this part.

PART 52—DOURINE IN HORSES AND ASSES

§ 52.1 Appraisal of and compensation for animals; conditions under which Department may cooperate with States to prevent spread and to aid in extermination of dourine—(a) Infection; how determined. The fact of infection with this disease shall be determined by the complement-fixation test applied in the laboratory of the Division.

(b) *Appraisal; by whom to be made.* The animal shall be appraised at its actual value by a Division inspector and the State veterinarian or an assistant State veterinarian of the State in which the animal is located, or, when provided by State law, assessed value as shown by the assessor's books will be accepted in lieu of appraisal.

(c) *Department payment to be one-half appraised or assessed value not exceeding \$100.* The department will pay one-half, of the appraised or assessed value, provided such share shall in no case exceed \$100, and the owner signs an agreement to accept such sum as compensation in full for the discharge of all claims he may have against the department on account of the destruction of the animal in question.

(d) As used in this part, the term "Division" means the Animal Disease Eradication Division, Agricultural Research Service, U. S. Department of Agriculture.

(Sec. 3, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 11, 58 Stat. 734, as amended; 21 U. S. C. 114, 111, 114a)

PART 53—FOOT-AND-MOUTH DISEASE, PLEUROPNEUMONIA, RINDERPEST, AND OTHER CONTAGIOUS OR INFECTIOUS ANIMAL DISEASES WHICH CONSTITUTE AN EMERGENCY AND THREATEN THE LIVESTOCK INDUSTRY OF THE COUNTRY

Sec.	
53.1	Definitions.
53.2	Determination of existence of disease; agreements with States.
53.3	Appraisal of animals and materials.
53.4	Destruction of animals.
53.5	Disinfection or destruction of materials.
53.6	Disinfection of animals.
53.7	Disinfection of premises, conveyances, and materials.
53.8	Presentation of claims.
53.9	Mortgage and other liens against animals or materials.
53.10	Claims not allowed.

AUTHORITY: §§ 53.1 to 53.10 issued under sec. 3, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 11, 58 Stat. 734, as amended; 21 U. S. C. 114, 111, 114a.

CROSS REFERENCE: For non-applicability of Part 53 with respect to certain claims for indemnity, see § 51.10 of this chapter.

§ 53.1 *Definitions.* Words used in this part in the singular form shall be deemed to import the plural and vice versa, as the case may demand. Unless otherwise clearly indicated by the context, whenever the following words, names, or terms are used in the regulations in this part, they shall be construed, respectively, to mean:

(a) "Department" means the United States Department of Agriculture.

(b) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(c) "Division" means the Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture.

(d) "Division employee" means any inspector or other individual employed in the division who is authorized by the Director of Division to do any work or perform any duty in connection with the control and eradication of disease.

(e) "Inspector in charge" means an inspector of the division who is designated by the Director of Division to take charge of work in connection with the control and eradication of disease as defined in this section.

(f) "Disease" means foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or any other contagious, infectious, or communicable disease of animals (including poultry), which in the opinion of the Secretary constitutes an emergency and threatens the livestock industry of the country.

(g) "Materials" means parts of barns or other structures, straw, hay, and other

feed for animals, farm products or equipment, clothing, and articles stored or contained in or adjacent to barns or other structures.

(h) "Person" means natural person, firm, partnership, corporation, company, society, and association, and every officer, agent, or employee thereof.

(i) "State" means each and every one of the States of the United States, the District of Columbia, and the Territories and possessions of the United States.

§ 53.2 *Determination of existence of disease; agreements with States.* (a) Upon declaration by the Secretary of Agriculture of the existence of any disease which in his opinion threatens the livestock industry of the country, the Director of Division is hereby authorized to invite the proper State authorities to cooperate with the Department in the control and eradication of such disease.

(b) Upon agreement of the authorities of the State to enforce quarantine restrictions and orders and directives properly issued in the control and eradication of such a disease, the Director of Division is hereby authorized to agree, on the part of the Department, to cooperate with the State in the control and eradication of the disease, and to pay not more than 50 percent of the expenses of purchase, destruction and disposition of animals and materials required to be destroyed because of being contaminated by or exposed to such disease; *Provided*, That the Secretary may authorize other arrangements for the payment of such expenses upon finding that an extraordinary emergency exists.

§ 53.3 *Appraisal of animals and materials.* (a) Animals affected by or exposed to disease, and materials required to be destroyed because of being contaminated by or exposed to disease shall be appraised by a Division employee and a representative of the State jointly, or, if the State authorities approve, by a Division employee alone.

(b) The appraisal of animals shall be based on the meat, egg production, dairy or breeding value, but in the case of appraisal based on breeding value, no appraisal of any animal shall exceed three times its meat, egg production, or dairy value; *Provided*, That poultry may be appraised in groups when the basis for appraisal is the same for each bird.

(c) Appraisals of animals shall be reported on forms furnished by the Division. Reports of appraisals shall show the number of animals of each species and the value per head or the weight and value by pound.

(d) Appraisals of materials shall be reported on forms furnished by the Division. Reports of appraisals of materials shall, when practicable, show the number, size or quantity, unit price, and total value of each kind of material appraised.

(e) Reports of appraisals shall be made in duplicate and signed by the appraiser, or appraisers, as the case may be. One copy shall be attached to the voucher in which compensation is claimed.

§ 53.4 *Destruction of animals.* (a) Animals affected by or exposed to disease shall be killed promptly after

appraisal and disposed of by burial or burning, unless otherwise specifically provided by the Director of Division in extraordinary circumstances.

(b) The killing of animals and the burial, burning, or other disposal of carcasses of animals pursuant to the regulations in this part shall be supervised by a Division employee who shall prepare and transmit to the Director of Division a report identifying the animals and showing the disposition thereof.

§ 53.5 *Disinfection or destruction of materials.* (a) In order to prevent the spread of disease, materials contaminated by or exposed to disease shall be disinfected; *Provided, however*, That in all cases in which the cost of disinfection would exceed the value of the materials or disinfection would be impracticable for any reason, the materials shall be destroyed, after appraisal as provided in § 53.3.

(b) The disinfection or destruction of materials under this section shall be under the supervision of a Division employee who shall prepare and transmit to the Director of Division a certificate identifying all materials which are destroyed, showing the disposition thereof.

§ 53.6 *Disinfection of animals.* Animals of species not susceptible to the disease for which a quarantine has been established, but which have been exposed to the disease, shall be disinfected when necessary by such methods as the Director of Division shall prescribe from time to time.

§ 53.7 *Disinfection of premises, conveyances, and materials.* All premises, including barns, corrals, stockyards and pens, and all cars, vessels, aircraft, and other conveyances, and the materials thereon, shall be cleaned and disinfected under supervision of a Division employee whenever necessary for the control and eradication of disease. Expenses incurred in connection with such cleaning and disinfection shall be shared according to the agreement reached under § 53.2 with the State in which the work is done.

§ 53.8 *Presentation of claims.* Claims for (a) compensation for the value of animals, (b) cost of burial, burning or other disposition of animals, (c) the value of material destroyed, and (d) the expenses of destruction, shall each be presented, through the inspector in charge, to the Division on separate vouchers in form approved by the Director of Division.

§ 53.9 *Mortgage and other liens against animals or materials.* When animals or materials have been destroyed pursuant to the requirements contained in this part, and compensation therefor is claimed, the claimant shall declare any mortgages or liens against such animals or materials, and the inspector in charge shall take reasonable precaution to determine, prior to his approval of vouchers covering such compensation, who is the owner of the animals or materials and whether there are any such mortgage or other liens outstanding against them. If it appears that there

are outstanding liens, a full report regarding them shall be made and shall accompany the voucher. Every such report shall include a description of the liens, the name of the person or persons having possession of the documentary evidence thereof, and a statement showing what arrangements, if any, have been made to discharge the liens. Every such report should also include a statement of any claims other than liens outstanding against the animals or materials destroyed.

§ 53.10 Claims not allowed. (a) The Department will not allow claims arising under the terms of this part if the payee has not complied with all quarantine requirements.

(b) Expenses for the care and feeding of animals held for destruction will not be paid by the Department, unless the payment of such expense is specifically authorized or approved by the Director of Division.

(c) The Department will not allow claims arising out of the destruction of animals or materials unless they shall have been appraised as prescribed in this part and the owners thereof shall have executed a written agreement to the appraisals.

PART 54—ANIMALS DESTROYED BECAUSE OF SCRAPIE

Sec.

54.1 Definitions.

54.2 Cooperation with States.

54.3 Appraisal of animals.

54.4 Time limit for slaughter.

54.5 Care and feeding of animals under quarantine; disposal of animals after slaughter.

54.6 Mortgages and other liens against animals.

54.7 Destruction of animals.

54.8 Payments to owners for animals destroyed.

54.9 Claims not allowed.

AUTHORITY: §§ 54.1 to 54.9 issued under sec. 3, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 11, 58 Stat. 734, as amended; 21 U. S. C. 114, 111, 114a.

§ 54.1 Definitions. For the purpose of this part, the following words, names and terms shall be construed, respectively, to mean:

(a) "The Department" means the United States Department of Agriculture.

(b) "Division" means the Animal Disease Eradication Division of the Agricultural Research Service, United States Department of Agriculture.

(c) "Destroyed" means destroyed by slaughter or by such other means as may be authorized by the Director of Division.

(d) "Animals" include sheep and/or goats.

§ 54.2 Cooperation with States. Upon determination by the Director of Division of the existence of scrapie, he shall solicit the cooperation of the proper State or Territory authorities in the eradication of such disease.

§ 54.3 Appraisal of animals. (a) Affected and exposed animals shall be appraised at their actual value at the place and time of appraisal by a representative of the Division and a representative of the State jointly, except that, if the owner and State authorities approve,

such animals may be appraised by a representative of the Division alone.

(b) The Division may decline to accept any appraisal that appears to it to be unreasonable or out of proportion to the value of similar animals of a like quality. Appraisals shall not exceed any limit set by the laws of the State or other agency which is cooperating with the Division in the payment of indemnity because of scrapie.

§ 54.4 Time limit for slaughter. Animals slaughtered under this part shall be slaughtered within 15 days after the date of appraisal unless such time is specifically extended by the Director of Division.

§ 54.5 Care and feeding of animals under quarantine; disposal of animals after slaughter. Expenses for the care and feeding of animals held for destruction and the expense of destruction, burial, incineration, etc., and/or transportation and other expenses incidental to their slaughter will not be paid by the Department.

§ 54.6 Mortgages and other liens against animals. (a) When animals have been destroyed pursuant to this part, the inspector in charge shall take reasonable precaution to determine, prior to his approval of vouchers in which compensation therefore is claimed, who is the owner of the animals and whether there are any mortgage or other liens outstanding against the animals. If it appears that there are outstanding liens, a full report regarding the same shall be made and shall accompany the voucher. Every such report shall include a description of the liens, the name of the person or persons having possession of the documentary evidence thereof, and a statement showing what arrangements, if any have been made, to discharge the liens. Every such report should also include a statement of any claims, other than liens, outstanding against the animals destroyed of which the inspector in charge may have knowledge.

(b) When it appears that there are no outstanding liens or claims against the animals a statement to this effect, signed by the owner, shall accompany the voucher.

§ 54.7 Destruction of animals. (a) Animals affected with or exposed to scrapie shall be destroyed under this part only after obtaining the written agreement of the owner to accept, as compensation in full from the United States, 50 percent of the difference between the appraisal value and the salvage value not to exceed \$25 per head for grade animals and \$75 per head for purebred animals.

(b) Animals which are exposed to but which do not show visible symptoms of scrapie and whose flesh can be saved for food without risk of spreading the disease may be slaughtered in an establishment approved by the Director of Division.

§ 54.8 Payments to owners for animals destroyed. (a) Owners of animals destroyed in accordance with this part because such animals are affected with or exposed to scrapie shall be paid an indemnity not to exceed 50 percent of the difference between the appraised

value of each animal so destroyed and the net salvage received by the owner thereof.

(b) The Federal indemnity shall be limited to \$25 per head for grade animals and \$75 per head for purebred animals.

(c) The Division may indemnify owners up to the limitations specified in this part whether or not the State participates in indemnity payment.

(d) Animals presented for appraisal as purebred shall be accompanied by their certificate of registry at the time of appraisal, or they shall be appraised as grades: *Provided, however,* That in the absence of such proof of purebreeding the Director of Division may grant a reasonable time for the presentation of their certificate of registration to the appraiser.

§ 54.9 Claims not allowed. (a) The Department will not allow claims arising out of the destruction of animals unless they have been previously appraised, and the owners thereof shall have executed agreements, in compliance with this part.

(b) The Department will not allow claims if the claimant has failed to comply with any of the Department regulations pertaining to scrapie including the necessary cleaning and disinfection of his premises and conveyances.

PART 55—CATTLE DESTROYED BECAUSE OF ANAPLASMOSIS

Sec.

55.1 Cooperation in eradication of anaplasmosis.

55.2 Appraisal of animals.

55.3 Payments of indemnity; claims not allowed.

AUTHORITY: §§ 55.1 to 55.3 issued under sec. 3, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 11, 58 Stat. 734, as amended; 21 U. S. C. 114, 111, 114a.

§ 55.1 Cooperation in eradication of anaplasmosis. Upon agreement of the authorities of the Territory of Hawaii to enforce quarantine restrictions and orders and directives properly issued in the control and eradication of anaplasmosis of cattle and to pay 50 percent of the expenses of the purchase and disposition of cattle affected by the disease, the Director of the Animal Disease Eradication Division of the Agricultural Research Service is hereby authorized to agree on the part of the Department to cooperate with the Territory in the control and eradication of the subject disease and to pay not more than 50 percent of such expenses.

§ 55.2 Appraisal of animals. Animals required to be destroyed because of being infected with anaplasmosis shall be appraised by an officially designated representative of the Animal Disease Eradication Division or the Territory of Hawaii and shall be destroyed within a period of time acceptable to the Director of the Division. Such appraisal shall be based on the actual value of the cattle at the time and place of appraisal.

§ 55.3 Payments of indemnity; claims not allowed. (a) Owners of affected cattle destroyed in accordance with this part shall be paid an indemnity not to exceed one-half the difference between

the appraised value and the salvage value but the payment shall not exceed the amount paid by the Territory of Hawaii.

(b) In the discretion of the Division Director claims will not be allowed under the terms of this part if the payee has not complied with all quarantine requirements.

(c) Claims will not be allowed for expenses for the care and feeding of animals held for destruction.

(d) In the discretion of the Division Director claims will not be allowed arising out of the destruction of animals unless they shall have been appraised as described in this part and the owner thereof shall execute a written agreement to the appraisal.

Subchapter C—Interstate Transportation of Animals and Poultry

PART 71—GENERAL PROVISIONS

- Sec.
71.1 Definitions.
71.2 Secretary to issue rule governing quarantine and interstate movement of diseased livestock.
71.3 Interstate movement of diseased animals generally prohibited.
71.4 Carrier responsible for cleaning and disinfection of cars, boats, other vehicles, yards and premises.
71.5 Cars, boats, and other vehicles; cleaning and disinfection required for interstate movement.
71.6 Infected car; after notice of infection interstate movement prohibited until cleaned and disinfected.
71.7 Cars and boats; to be cleaned and disinfected before removal from final destination.
71.8 Disinfection of yards and premises having contained infected animals required.
71.9 Cars, boats, yards, pens, chutes, and alleys; method of cleaning and disinfecting.
71.10 Substances or materials allowed as permitted disinfectants.
71.11 Cresylic disinfectant as permitted disinfectant; specifications.
71.12 Sodium orthophenylphenate as permitted disinfectant for premises infected with tuberculosis.
71.13 Inspection of shipments in transit by Division Inspector.
71.14 Slaughter of animals to prevent spread of disease; ascertainment of value and compensation.
71.15 Movement from quarantined to free area and shipment therefrom; conditions under which permitted.
71.16 Inspection and certification of animals for interstate movement.
71.17 Interstate movement of dead animals prohibited in same car with live animals.

AUTHORITY: §§ 71.1 to 71.17 issued under secs. 4, 5, 23 Stat. 32, as amended, sec. 1, 2, 32 Stat. 791, as amended, 792, as amended, sec. 3, 33 Stat. 1265, as amended, 41 Stat. 690, sec. 11, 58 Stat. 734, as amended, sec. 13, 65 Stat. 693; 21 U. S. C. 111-113, 114a, 114a-1, 116, 120, 121, 125. Interpret or apply secs. 4, 5, 23 Stat. 32, as amended, sec. 1, 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 115, 117, 123, 124, 126.

§ 71.1 *Definitions.* For the purposes of this subchapter the following words, phrases, names, and terms shall be construed, respectively, to mean:

(a) *Department.* The United States Department of Agriculture.

(b) *Division.* The Animal Disease Eradication Division.

(c) *Division inspector.* An inspector of the Division.

(d) *Tick infested.* Infested with the tick *Margaropus annulatus*.

(e) *Quarantined area.* The States, Territories, or the District of Columbia or portions thereof quarantined by the Secretary of Agriculture for the specific contagious, infectious, or communicable animal disease mentioned in each part.

(f) *Free area.* The States, Territories, or the District of Columbia or portions thereof not quarantined by the Secretary of Agriculture for the specific contagious, infectious, or communicable animal disease mentioned in each part.

(g) *Stockers and feeders.* Animals intended for stock or feeding purposes.

(h) *Public stockyards.* Stockyards where trading in livestock is carried on; where yarding, feeding, and watering facilities are provided by the stockyards, transportation, or similar company; and where Federal inspection is maintained for the inspection of livestock for communicable diseases.

(i) *Recognized slaughtering center.* Any point where slaughtering facilities are provided and to which animals are regularly shipped and slaughtered.

(j) *Accredited herd.* One officially declared by the Division and the State as free from tuberculosis and for which a certificate has been issued evidencing that fact.

(k) *Designated dipping station.* A point mutually agreed upon by the Division and the State livestock sanitary authorities, where proper dipping and yarding facilities are provided, at which cattle of the area of that State quarantined for splenic fever, southern, or Texas fever in cattle may be dipped, inspected, and certified for interstate movement.

(l) *Interstate.* From one State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia.

§ 71.2 *Secretary to issue rule governing quarantine and interstate movement of diseased livestock.* When the Secretary of Agriculture shall determine the fact that cattle or other livestock in any State, Territory, or the District of Columbia are affected with any contagious, infectious, or communicable disease for which, in his opinion, a quarantine should be established, notice will be given of that fact. A rule will be issued placing in quarantine any State, Territory, or the District of Columbia, or any portion thereof, in which the disease exists; and this rule will either absolutely forbid the interstate movement of livestock from the quarantined area or will indicate the regulations under which interstate movements may be made.

§ 71.3 *Interstate movement of diseased animals generally prohibited.* Animals affected with splenic fever, scabies, dourine, hog cholera, swine plague, vesicular exanthema, tuberculosis, brucellosis, scrapie, paratuberculosis, glanders, lip-and-leg ulceration, anthrax, or other contagious, infectious, or communicable disease of livestock, or which are tick infested, shall not be moved interstate: *Provided, however,* That domestic

animals which have reacted to a test recognized by the Secretary of Agriculture for brucellosis or paratuberculosis, which are not affected with any other disease referred to in this section and are not tick infested, may be moved interstate in accordance with the provisions of Subpart B of Part 78 of this subchapter in the case of brucellosis reactors and with the provisions of Part 80 of this subchapter in the case of paratuberculosis reactors, and that cattle which have reacted to the tuberculin test, which are not affected with any other disease referred to above and are not tick infested, may be moved interstate in accordance with the provisions of § 77.8 of this subchapter. Before offering cattle or other livestock for interstate transportation, transporting them interstate, or introducing them into any stockyards or upon routes of traffic for interstate transportation, all persons or corporations are required to exercise reasonable diligence to ascertain that such animals are not affected with any contagious, infectious, or communicable disease, and have not been exposed to the contagion or infection of any such disease by contact with other animals so diseased or by location in pens, cars, or other vehicles, or upon premises that have contained animals so diseased.

§ 71.4 *Carrier responsible for cleaning and disinfection of cars, boats, other vehicles, yards and premises.* Cars, boats, and other vehicles which have been used in the interstate transportation of cattle, sheep, swine, poultry, or other animals affected with, or carrying the infection of, any contagious, infectious, or communicable disease shall be cleaned and disinfected under Division supervision in accordance with the regulations in this subchapter, and the final carrier shall be responsible for such cleaning and disinfection. If a car in which such animals have been moved interstate is removed from destination or unloading point without being cleaned and disinfected in accordance with the regulations in this subchapter, the final carrier shall, upon receiving notice from a Division inspector that such car has contained such animals or animals carrying the infection of such disease, locate said car on its own or other lines, and have the same moved to a point where Division inspection is maintained and proper facilities are provided for cleaning and disinfecting cars, and have such car cleaned and disinfected under Division supervision. Such final carrier shall keep the Division informed as to the location of said car until the same has been so cleaned and disinfected: *Provided,* That if said final carrier is what is known as a terminal railroad, and said car or cars shall have been delivered by such final carrier to the railroad from which it received said car or cars, such final carrier shall, upon receiving notice from a Division inspector that such car has contained such animals, inform the Division of the name of the railroad to which such car was delivered and said last-mentioned railroad shall, upon receiving notice from a Division inspector that such car has contained such animals, locate said car on its own or other lines and have the same

moved to a point where Division inspection is maintained and proper facilities are provided for cleaning and disinfecting cars, and have such car cleaned and disinfected under Division supervision. Such last-mentioned railroad shall keep the Division informed as to the location of said car until the same has been so cleaned and disinfected. Transportation companies which have received cars that have contained cattle, sheep, swine, poultry, or other animals affected with, or carrying the infection of, a contagious, infectious, or communicable disease, and which cars have been moved interstate from the point at which such animals were last unloaded therefrom without being cleaned and disinfected in accordance with the regulations in this subchapter, shall furnish to the Division, when requested, the complete car-movement and interchange record of such cars.

§ 71.5 *Cars, boats, and other vehicles; cleaning and disinfection required for interstate movement.* Except as provided in § 71.7 cars, boats, and other vehicles that have contained cattle, sheep, swine, poultry, or other livestock affected with, or carrying the infection of, any contagious, infectious, or communicable disease shall not be moved interstate for any purpose until the said cars, boats, or other vehicles shall have been thoroughly cleaned and disinfected under Division supervision in accordance with §§ 71.9-71.11.

§ 71.6 *Infected car; after notice of infection interstate movement prohibited until cleaned and disinfected.* No transportation company which receives notice from the Division that a car has contained cattle, sheep, swine, poultry, or other animals affected with a contagious, infectious, or communicable disease shall thereafter move the said car in interstate commerce until it has been cleaned and disinfected under Division supervision in accordance with §§ 71.9-71.11.

§ 71.7 *Cars and boats; to be cleaned and disinfected before removal from final destination.* Cars or boats required by the regulations in this subchapter to be cleaned and disinfected shall be treated in the manner specified in §§ 71.9-71.11, under Division supervision by the final carrier at destination as soon as possible after unloading and before the same are moved from such final destination for any purpose: *Provided, however,* That if the animals contained therein are destined to points at which Division inspection is maintained but at which proper facilities can not be provided, the transportation company may, upon permission first secured from the Division, seal, bill, and forward the cars to a point at which Division inspection is maintained and proper facilities are provided, and there clean and disinfect the said cars under Division supervision.

§ 71.8 *Disinfection of yards and premises having contained infected animals required.* Yards and premises which have contained interstate shipments of cattle, sheep, swine, poultry, or other animals affected with, or carrying the infection of, any contagious, infectious, or communicable disease shall be cleaned

and disinfected under the supervision of a Division employee or an authorized State employee in accordance with §§ 71.9-71.11, and any animals unloaded into such yards or premises before they have been so cleaned and disinfected shall thereafter be classed as exposed animals and shall not be moved interstate except in compliance with the provisions of the regulations in this subchapter.

§ 71.9 *Cars, boats, yards, pens, chutes, and alleys; method of cleaning and disinfecting.* (a) Cars required by the regulations in this subchapter to be cleaned and disinfected shall be treated in the following manner: Remove all litter and manure from all portions of the cars, including all the ledges and framework outside; clean the exterior and interior of the cars; and saturate the entire interior surface, including the inner surfaces of the car doors, with a permitted disinfectant.

(b) Boats required by the regulations in this subchapter to be cleaned and disinfected shall be treated in the following manner: Remove all litter and manure from the decks, stalls, and all other parts of the boat occupied or traversed by the diseased animals and from the portable chutes or other appliances or fixtures used in loading and unloading same, and saturate with a permitted disinfectant the entire surface of the deck, stalls, or other parts of the boat occupied or traversed by such animals or with which they may have come in contact or which have contained litter or manure.

(c) Yards, pens, chutes, and alleys required by the regulations in this subchapter to be disinfected shall be treated in the following manner: Empty all troughs, racks, or other feeding or watering appliances; remove all litter and manure from the floors, posts, or other parts; and saturate the entire surface of the fencing, troughs, chutes, floors, walls, and other parts with a permitted disinfectant.

§ 71.10 *Substances or materials allowed as permitted disinfectants.* (a) The substances permitted for use in disinfecting cars, boats, other vehicles, and premises are as follows:

(1) "Cresylic disinfectant" in the proportion of at least 4 fluid ounces to 1 gallon of water.

(2) Liquefied phenol (U. S. P. strength 87 percent phenol) in the proportion of at least 6 fluid ounces to 1 gallon of water.

(3) Chlorinated lime (U. S. P. strength, 30 percent available chlorine) in the proportion of 1 pound to 3 gallons of water.

(b) The use of "cresylic disinfectant" is permitted subject to the following conditions:

(1) The manufacturer thereof shall have obtained specific permission from the Division for the use of his products in official disinfection. To obtain such permission manufacturers shall first submit a sample of at least 8 ounces for examination, together with a statement of the formula employed and a guaranty that the product will be maintained of a quality uniform with the sample submitted.

(2) To prevent confusion, the product of each manufacturer and distributor shall bear a distinctive trade name or brand, together with the name of the manufacturer or distributor.

(3) The product shall at all times conform to specifications for composition and performance issued by the Director of the Division.

§ 71.11 *Cresylic disinfectant as permitted disinfectant; specifications.* The following specifications will be employed for determining the suitability of cresylic disinfectant for use under the provisions of § 71.10 (b) (3):

(a) The product shall remain a uniform liquid when held at 0° C. (32° F.) for 3 hours (chill test).

(b) The product shall dissolve completely in 30 parts of distilled water at 25° C. (77° F.) within 2 minutes (solution-rate test), producing a solution entirely free from globules and not more than faintly opalescent (solubility-degree test).

(c) The product shall contain not more than 25 percent of inert ingredients (water and glycerin), not more excess alkali than the equivalent of 0.5 percent of sodium hydroxide, and not less than 21 percent of soap exclusive of water, glycerin, and excess alkali.

(d) The product shall contain not less than 50 percent and not more than 53 percent of total phenols. It shall contain less than 5 percent of benzophenol (C₆H₅OH).

(e) The methods of determining compliance with the specifications in paragraphs (a) to (d) of this section will be those described in United States Department of Agriculture Bulletin 1308, Chemical and Physical Methods for the Control of Saponified Cresol Solutions, so far as they are applicable.

(f) Any suitable glyceride, fat acid, or resin acid may be used in preparing the soap, but not all are suitable nor are all grades of a single product equally suitable. Also various grades of commercial cresylic acid differ in suitability. Therefore, manufacturers are cautioned to prepare a trial laboratory batch from every set of ingredients and to prove its conformity with paragraphs (a) and (b) of this section, before proceeding with manufacture on a factory scale.

§ 71.12 *Sodium orthophenylphenate as permitted disinfectant for premises infected with tuberculosis.* (a) A permitted brand of sodium orthophenylphenate in a proportion of at least one pound to 12 gallons of water is permitted in tuberculosis eradication work for disinfecting infected premises following the removal of cattle that reacted to the tuberculin test.

(b) It is absolutely necessary that the solution be applied at a temperature of 60° F. or over. Whenever the temperature of the building to be disinfected is below 60° F., as indicated by a wall thermometer, the solution shall be heated to 120° F. and higher in very cold weather, to insure effective disinfection.

§ 71.13 *Inspection of shipments in transit by Division inspector.* All persons and corporations having control of the interstate transportation of livestock

shall, when directed by a Division inspector so to do, stop the same in transit for inspection, and if any of such animals are found upon such inspection to be infected with any contagious, infectious, or communicable disease or to have been exposed to such infection, the person or corporation having control of the transportation of such animals shall, upon receipt of an order from a Division inspector so to do, cease the carriage, transportation, or moving of such animals unless such carriage, transportation, or moving can be accomplished in accordance with the regulations in this subchapter governing the interstate movement of animals infected with or which have been exposed to the infection of such disease, and in all cases after the discovery of such infection or exposure thereto such animals shall be handled in accordance with such regulations.

§ 71.14 *Slaughter of animals to prevent spread of disease; ascertainment of value and compensation.* When, in order to prevent the spread of any contagious, infectious, or communicable disease, it becomes necessary to slaughter any diseased or exposed livestock, and the purchase of such livestock by the United States is authorized by law and an appropriation is available therefor, the value of the livestock shall be ascertained and compensation made therefor in accordance with the orders or regulations of the Secretary of Agriculture.

§ 71.15 *Movement from quarantined to free area and shipment therefrom; conditions under which permitted.* No livestock shall be shipped, trailed, driven, or hauled in private conveyance from the quarantined area in any State, Territory, or the District of Columbia to the free area in the same State, Territory, or the District of Columbia and subsequently delivered to a transportation company for shipment or moved to any other State, Territory, or the District of Columbia without complying with all Federal and State regulations pertaining to such movements.

§ 71.16 *Inspection and certification of animals for interstate movement—(a) Assistance and facilities.* When animals are to be inspected and certified by a Division inspector, assistance and proper facilities for restraining them shall be provided in order that a careful inspection may be made, and the inspector while making the inspection shall not be interfered with in any manner; otherwise inspection will be immediately discontinued.

(b) *Certificates and other statements to accompany shipments.* Whenever inspection or treatment and the issuance of a certificate, statement, test chart, or other writing showing the performance of such inspection or treatment and the result thereof is required by any of the regulations in this subchapter as a condition precedent to the movement interstate of any animal or class of animals, or any animal or class of animals is so required to be accompanied in interstate movement by such certificate, statement, test chart, or other writing, no such animal or animals shall be moved interstate unless and until the following requirements are also complied with:

(1) In the case of such movement by a common carrier issuing waybills or other form or forms of billing covering the movement, the said certificate, statement, test chart, or other writing shall be delivered to such carrier at the time the animal or animals are delivered for shipment, and shall become the property of the carrier, and be by such carrier attached to the billing covering the transportation of such animal or animals, and accompany such billing to destination, and be filed with such billing for future reference.

(2) In case of such movement otherwise than by common carrier issuing waybills or other form or forms of billing, the said certificate, statement, test chart, or other writing shall accompany the animal or animals to destination and be delivered to the consignee, or, in case the consignor and consignee is the same person, to the first purchaser purchasing during or after such movement in interstate commerce, or to the person to whom the animal or animals are delivered.

§ 71.17 *Interstate movement of dead animals prohibited in same car with live animals.* No dead animal shall be offered or accepted for transportation or transported in the same car with live animals from the original point of shipment in any State or Territory or the District of Columbia to or through any other State, Territory, or the District of Columbia.

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

- Sec.
- 72.1 Ticks (*Margaropus annulatus*); interstate movement of infested or exposed cattle, horses, mules, or asses prohibited.
- 72.2 Splenetic or tick fever in cattle in described territory in Texas, Puerto Rico, and the Virgin Islands of the United States; restrictions on movement of cattle.
- 72.3 Area quarantined in the Virgin Islands of the United States.
- 72.4 Area quarantined in Puerto Rico.
- 72.5 Area quarantined in Texas.
- 72.6 Cattle from quarantined areas not eradicating ticks; conditions permitting interstate movement.
- 72.7 Interstate movement upon one dipping; certification permitted from cooperating States.
- 72.8 Interstate movement of cattle from free premises upon inspection and certification by Division inspector.
- 72.9 Interstate movements of cattle; inspection and certification by Division inspector required.
- 72.10 Inspected or dipped and certified cattle subject to restrictions of State of destination.
- 72.11 Quarantined area; cattle considered infested; requirements for placing in noninfectious pens or premises.
- 72.12 Cattle; exposure to tick infestation after treatment or inspection prohibited.
- 72.13 Dipping requirements; permitted dips; facilities; handling.
- 72.14 Arsenical cattle dips; requirements for determination of suitability.
- 72.15 Owners assume responsibility; must execute agreement prior to dipping or treatment waiving all claims against United States.
- 72.16 Designated dipping stations to be approved by Director of Division on recommendations of State authorities; facilities.

- Sec.
- 72.17 Unloading noninfested cattle for rest, feed, and water only, permitted in authorized pens for such purpose.
- 72.18 Movement interstate; specification by Division Director of treatment required when dipping facilities unavailable.
- 72.19 Interstate shipments and use of pine straw, grass, or litter from quarantined area; prohibited until disinfected.
- 72.20 Exhibition of noninfested cattle in the quarantined area; restrictions under which permitted.
- 72.21 Horses, mules, and asses infested with or exposed to cattle ticks subject to same restrictions as cattle.
- 72.22 Cars, vehicles, and premises; cleaning and disinfection after containing infested or exposed animals.
- 72.23 Cars or other vehicles having carried infested or exposed cattle in quarantined area shall be cleaned and disinfected.
- 72.24 Litter and manure from carriers and premises of tick-infested animals; destruction or disinfection required.

Authority: §§ 72.1 to 72.24 issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111-113, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 115, 117, 124, 126.

§ 72.1 *Ticks (*Margaropus annulatus*); interstate movement of infested or exposed cattle, horses, mules, or asses prohibited.* No cattle, horses, mules, or asses infested with ticks (*Margaropus annulatus*) or exposed to tick infestation shall be shipped, trailed, driven, or otherwise moved interstate for any purpose.

§ 72.2 *Splenetic or tick fever in cattle in described territory in Texas, Puerto Rico, and the Virgin Islands of the United States; restrictions on movement of cattle.* Notice is hereby given that the contagious, infectious, and communicable disease known as splenetic or tick fever exists in cattle in portions of the State of Texas and in the Territories of Puerto Rico and the Virgin Islands of the United States. Therefore, those portions of the State of Texas and the Territories of Puerto Rico and the Virgin Islands of the United States described in §§ 72.3, 72.4, and 72.5 are hereby quarantined, and the movement of cattle therefrom into any other State or Territory or the District of Columbia shall be made only in accordance with the provisions of this part and Part 71 of this chapter.

§ 72.3 *Area quarantined in the Virgin Islands of the United States.* The entire Territory of the Virgin Islands of the United States is quarantined.

§ 72.4 *Area quarantined in Puerto Rico.* The entire Territory is quarantined.

§ 72.5 *Area quarantined in Texas.* The following portions of the specified Counties in Texas are quarantined:

(a) That portion of Cameron County lying south of the following-described line:

Beginning at a point where the Brownsville ship channel enters the Gulf of Mexico, following said ship channel in a southwesterly direction to where the large Hydrocol ditch enters the ship channel, approximately 16

miles; thence, following the ditch in a northerly direction to the intersection of this ditch and the Rancho Viejo Floodway, approximately 2 miles; thence, following the meanderings of the Rancho Viejo Floodway (part of which is known as Ranchito Viejo Resaca) to where the Rancho Viejo Floodway crosses a dirt road known as the Grove Park Highway, approximately 12 miles; thence, in a northerly direction along this road to the Olmito cut-off road, approximately 1 mile; thence, in a westerly direction along the Olmito cut-off road to the Barreda cut-off road, approximately 1 mile; thence, in a northerly direction along the Barreda cut-off road to the Rancho Viejo Resaca, approximately $\frac{1}{2}$ mile; thence, following the meanderings of the Rancho Viejo Resaca in a northwesterly direction to Sam Houston Boulevard, approximately 10 miles; thence, in a southwesterly direction along this road to the intersection of Rangerville-Sam Benito road, approximately 3 miles; thence, in a northwesterly direction along this road to the intersection of the Rangerville-Harlingen Road, approximately $5\frac{1}{4}$ miles; thence, in a southerly direction along this road to the intersection of the SB & RGV (MP) Railroad, approximately $\frac{1}{10}$ mile; thence, following this railroad in a westerly direction to the Cameron-Hidalgo County line, approximately $7\frac{1}{2}$ miles;

(b) That portion of Hidalgo County lying south and west of the following-described line:

Beginning at a point where the SB & RGV (MP) Railroad intersects the Hidalgo-Cameron County line; thence, in a westerly direction along this railroad to where it intersects the east McAllen road, approximately 24 miles; continuing along this railroad for an additional one mile to where it intersects the townsite of Hidalgo; thence, in a northerly direction along this railroad to a curve, approximately 2 miles; thence, in a westerly direction along this railroad to where it intersects the Taylor road, approximately $1\frac{1}{2}$ miles; thence, in a southerly direction along this road to where it intersects the International Boundary Commission levee, approximately $\frac{1}{2}$ mile; thence, in a westerly direction along the north boundary of this levee to where it intersects the Granjeno Main canal, approximately $1\frac{1}{2}$ miles; thence, in a westerly direction along the north boundary of this canal to where it intersects the Old Military road, approximately $\frac{3}{4}$ mile; thence, in a westerly direction along the north boundary of this road to where it intersects the Abram road, approximately 8 miles; thence, in a northerly direction along the east boundary of this road to where it intersects the U. S. Highway No. 83, approximately 2 miles; thence, in a westerly direction along U. S. Highway No. 83 to where it intersects the Hidalgo-Starr County line, approximately 10 miles;

(c) That portion of Kinney County lying west of the following-described line:

Beginning at a point where the U. S. Highway No. 277 intersects the Maverick-Kinney County line, following U. S. Highway No. 277 in a northerly direction to where it intersects the Kinney-Val Verde County line at Sycamore Creek, approximately $9\frac{1}{2}$ miles.

(d) That portion of Maverick County lying west of the following-described line:

Beginning at a point where the Laredo-Eagle Pass River road intersects the Webb-Maverick County line, following this Laredo-Eagle Pass River road to where it intersects the north survey line of the Kifuri Overall Factory premise, approximately 43 miles; thence, west along the south fence line of the Southern Pacific Railroad to where it

intersects the west fence line of the railroad property, which is located at the east end of Southern Pacific Railroad trestle leading to the bridge across the Rio Grande river, approximately $1\frac{1}{4}$ miles; thence, north along the S. P. R. R. west fence line to where it intersects the southwest corner of Fort Duncan Park, approximately $\frac{1}{2}$ mile; thence, following the west fence line of Fort Duncan Park in a northerly direction to the north-west corner of the park, approximately $\frac{1}{2}$ mile; thence, east along the north fence line of this park to its northeast corner, approximately $\frac{1}{2}$ mile; thence, south along the east fence line of Fort Duncan Park to where it intersects Williamson Street, approximately 200 yards; thence, following Williamson Street east to where it intersects the Southern Pacific Railroad, approximately $\frac{1}{2}$ mile; thence, following the Southern Pacific Railroad in a northerly direction to the north city limits of Eagle Pass Townsite, approximately $1\frac{1}{2}$ miles; thence, following the north city limits of Eagle Pass Townsite west to where it intersects the west fence line of Highway No. 277 (Eagle Pass-Del Rio), approximately $\frac{1}{2}$ mile; thence, north on Highway No. 277 to where it intersects the north fence line of the DeBona Estate property, approximately $\frac{1}{2}$ mile; thence, east along the north fence line of this property to where it intersects the Southern Pacific Railroad, approximately $\frac{1}{2}$ mile; thence, north along the S. P. Railroad to where it intersects the south fence of the DeBona Farm, approximately $\frac{1}{10}$ mile; thence, west along the south fence of this farm to where it intersects U. S. Highway No. 277, approximately $\frac{1}{2}$ mile; thence, north along Highway No. 277 to where it intersects the southeast corner of the L. L. Little Ranch, approximately $8\frac{1}{2}$ miles; thence, following the south fence line of the L. L. Little Ranch in a westerly direction to the Maverick County Canal, approximately 2 miles; thence, following the meanderings of this canal in a northwesterly direction to where it intersects the Maverick County Quarantine fence, approximately 3 miles; thence, following this quarantine fence in a northwesterly direction to where it intersects the Everett Townsend Ranch fence, approximately 9 miles; thence, following the east fence of the Townsend Ranch in a northerly direction to where it intersects U. S. Highway No. 277, approximately $\frac{3}{4}$ mile; thence, following U. S. Highway No. 277 in a northerly direction to where it intersects the Maverick-Kinney County line, approximately 6 miles.

(e) That portion of Starr County lying south and west of the following-described line:

Beginning at a point on the Hidalgo-Starr County line where Highway No. 83 intersects this line and following Highway No. 83 in a northwesterly direction to the Rio Grande Brick Factory property, approximately 13 miles; thence, in a westerly direction along the south fence of the Will McMurray Ranch, approximately $\frac{3}{4}$ mile; thence, north on Will McMurray Ranch fence to where it intersects the Brazil Ranch fence, approximately 5 miles; thence, west on south fence of Brazil Ranch approximately $\frac{3}{4}$ mile; thence, in a northwesterly direction on Brazil Ranch fence approximately $\frac{1}{4}$ mile; thence, west on Brazil Ranch fence approximately $\frac{1}{4}$ mile; thence, north on Brazil Ranch fence approximately $\frac{1}{2}$ mile; thence, west on Brazil Ranch fence approximately $\frac{1}{4}$ mile; thence, south on Sagunada Ranch fence line approximately $\frac{3}{4}$ mile; thence, west on Sagunada Ranch fence line to where it intersects Luis Martinez Ranch fence line, approximately $1\frac{1}{4}$ miles (intersects at Highway No. 755); thence, in a northwesterly direction on the Luis Martinez fence line approximately $\frac{1}{4}$ mile; thence, west on Luis Martinez Ranch

north fence line approximately $\frac{1}{2}$ mile; thence, south on Luis Martinez Ranch fence line approximately $\frac{1}{2}$ mile; thence, west on George Decker's Ranch south fence line approximately $\frac{1}{2}$ mile; thence, north on George Decker's Ranch fence line approximately $\frac{1}{2}$ mile; thence, in a northwesterly direction on George Decker's fence line, approximately $1\frac{1}{4}$ miles; thence, north on the west fence lines of the George Decker, Sagunada and Perdenal Ranches to where it intersects the Charco Blanco road, approximately $3\frac{1}{4}$ miles; thence, west along the Charco Blanco road to where it intersects E. G. Gonzalez east fence line, approximately 4 miles; thence, south on E. G. Gonzalez fence line to where it intersects the Rio Grande City-El Sauz road, approximately 6 miles; thence, in a northwesterly direction along the Rio Grande City-El Sauz road to where it intersects the west fence line of the E. G. Gonzalez Ranch, approximately 5 miles; thence, north on E. G. Gonzalez west fence line to where it intersects Resendez Brothers fence line, approximately 5 miles; thence, west on Resendez Brothers fence line, to where it intersects Garceno-Hebbronville road, approximately $1\frac{1}{2}$ miles; thence, south on Garceno-Hebbronville road to where it intersects La Gloria Ranch northeast fence line, approximately 1 mile; thence, southeast on La Gloria Ranch fence line approximately $\frac{3}{4}$ mile; thence, south on La Gloria and C. C. Gonzalez east fence line to the southeast corner of the C. C. Gonzalez Ranch, approximately 2 miles; thence, west on C. C. Gonzalez south fence line to where it intersects Garceno-Hebbronville road, approximately 1 mile; thence, south on Garceno-Hebbronville road to Las Ojas filling station, approximately 2 miles; thence, west on Moreno road to the west line of Porcion No. 73, approximately 5 miles; thence, north on the west line of Porcion No. 73 to where it intersects the south fence of the Juan Margo Ranch, approximately 3 miles; thence, west on the south fence of the Juan Margo Ranch to where it intersects the Hebbronville-Roma road, approximately 2 miles; thence, south on the Hebbronville-Roma road to where it intersects Highway No. 83, approximately 5 miles; thence, in a northwesterly direction along this Highway to the southwest corner of the H. P. Guerra Anagua pasture, approximately 3 miles; thence, north along H. P. Guerra Anagua pasture fence to where it intersects M. Ramirez fence, approximately $5\frac{1}{4}$ miles; thence, in a northwesterly direction along the M. Ramirez, F. Hinojosa and M. Gonzalez fences to the H. P. Guerra Sandia pasture fence, approximately 3 miles; thence, in a southwesterly direction along the H. P. Guerra fence to old Highway No. 83, approximately 3 miles; thence, in a northwesterly direction along old Highway No. 83 to the Starr-Zapata County line, approximately $1\frac{1}{4}$ miles;

(f) That portion of Val Verde County lying south and west of the following-described line:

Beginning at a point where U. S. Highway No. 277 intersects the Kinney-Val Verde County line at Sycamore Creek, following U. S. Highway No. 277 to where it intersects the north fence of the W. L. Moody Ranch, adjacent to the Del Rio Townsite, approximately $11\frac{1}{2}$ miles; thence, following the Moody Ranch north fence line in a westerly direction to where it intersects the South Loop road at a corner post, approximately 3 miles; thence, following the South Loop road or city boundary line in a northerly direction to where it intersects the Southern Pacific Railroad, approximately $3\frac{1}{4}$ miles; thence, following the Southern Pacific Railroad in a northerly direction to a point on the bank of the Rio Grande River known as the Hanging Rock of the Southern Pacific, approximately 10 miles.

(g) That portion of Webb County lying south and west of the following-described line:

Beginning at a point where the west fence of the Joe Amberson Ranch intersects the south fence of the Alejandro Viduarri Estate Ranch, approximately 25 miles south of Laredo, Webb County, Texas; thence, following said fence, south fence of Viduarri Ranch, in an easterly direction to the southeast corner of the Viduarri Ranch, approximately $1\frac{1}{2}$ miles; thence, north along this fence to the northeast corner of this same pasture, approximately $3\frac{1}{2}$ miles; thence, west along the Viduarri pasture north fence to where it intersects the Laredo-Zapata road, U. S. Highway No. 83, approximately $1\frac{1}{2}$ miles; thence, following the east fence line of U. S. Highway 83 in a northerly direction to the La Pita Mangana road, approximately 14 miles; thence, following the north fence line of the La Pita Mangana road to where it intersects the east fence of the Richter trap, approximately $\frac{1}{2}$ mile; thence, following the west fence lines of the Wormser, Vasquez, and Gill premises to where it intersects the Zapata-Hebronville road, U. S. Highway No. 59, or the northwest corner of the Gill premise, approximately $2\frac{1}{2}$ miles; thence, following Highway No. 59 (this is a by-pass of Laredo from Highway No. 83 into Highway No. 59) in an easterly direction to where it intersects the west fence of the A. M. Bruni Estate Target Range pasture, approximately $1\frac{1}{2}$ miles; thence, north along said fence line to where it intersects the south line of the Rafael Saenz Ranch, approximately $1\frac{1}{2}$ miles; thence, east along the south fence line of the Saenz Ranch to where it intersects the A. M. Bruni Ranch Colorado pasture fence, approximately $2\frac{1}{2}$ miles; thence, north along Colorado pasture fence line to where it intersects the L. R. Ortiz Ranch south fence, approximately $1\frac{1}{2}$ miles; thence, west along the Ortiz fence line to where it intersects the southwest corner of the Winch pasture, approximately $1\frac{1}{2}$ miles; thence, north along the west fence of the Winch pasture to where it intersects the south fence line of the L. R. Ortiz Ranch, approximately 1 mile; thence, west along the Ortiz fence line to where it intersects the Laredo Army Airfield, approximately $2\frac{1}{2}$ miles; thence, west along the north fence of the Laredo Army Airfield to where it intersects the paved army airfield road, approximately $\frac{1}{2}$ mile; thence, following the paved army airfield road in a northerly direction to where it intersects the Quilote pasture fence at the Quilote pasture cattle guard, approximately $4\frac{1}{4}$ miles; thence, following the south fence line of the Quilote pasture to the southwest corner of this pasture, approximately $1\frac{1}{2}$ miles; thence, following the west fence line of the Quilote pasture to where it intersects the south fence of the U. S. Target Range or Farias Porcion, approximately $1\frac{1}{2}$ miles; thence, following the south fence line of the Target Range or Farias Porcion in a westerly direction to where it intersects the east fence of Highway No. 81, approximately 3 miles; thence, following this Highway No. 81 in a northerly direction to where it intersects the south fence line of the L. R. Ortiz Ranch, approximately $1\frac{1}{2}$ miles; thence, west along the south fence of the L. R. Ortiz Ranch to where it intersects the Laredo-Eagle Pass River road, approximately $1\frac{1}{2}$ miles; thence, following this road in a northerly direction to where it intersects the south fence of the Dolores Ranch of Charles W. Dick, approximately $14\frac{1}{2}$ miles; thence, following the double south fence (this Dolores Ranch is double fenced, 60 foot dead space, on the south, west and north and east) of the Dolores Ranch in a westerly direction to where it turns north, approximately $1\frac{1}{2}$ miles; thence, following the west double fence of this ranch in a northerly direction to where it turns east, approximately

$3\frac{1}{4}$ miles; thence, following the north double fence of this ranch in an easterly direction to where it intersects the Laredo-Eagle Pass River road, approximately $1\frac{1}{4}$ miles; thence, north along this road to where it intersects the Webb-Maverick County line, approximately $43\frac{1}{2}$ miles.

(h) That portion of Zapata County lying west of the following-described line:

Beginning at a point where old Highway No. 83 intersects the Zapata-Starr County line and following the Starr-Zapata County line in a northeasterly direction approximately $\frac{3}{4}$ of a mile; thence, following Yzaguirre Brothers and Guerra Brothers fence lines in a westerly direction to where it intersects old Highway No. 83, approximately $\frac{1}{2}$ mile; thence, following Yzaguirre Brothers and Guerra Brothers fence in a northeasterly direction approximately $\frac{1}{2}$ mile; thence, continuing along said fence in a northwesterly direction to where it intersects the Falcon Road, approximately $1\frac{1}{2}$ miles; thence, continuing to follow the Yzaguirre Brothers and Ramon Brothers fence in a northwesterly direction to the L. Ramirez and Brothers fence line, approximately $\frac{1}{2}$ mile; thence, following the L. Ramirez and Brothers fence line in a southwesterly direction to where it intersects old Highway No. 83, approximately $\frac{1}{2}$ mile; thence, following old Highway No. 83 in a northwesterly direction to a cattle guard on the J. M. Sanchez fence line, approximately 3 miles; thence, following the J. M. Sanchez fence line in a northeasterly direction to a fence line of the Y. Ramirez Ranch, approximately $1\frac{1}{2}$ miles; thence, following the J. M. Sanchez and Y. Ramirez fence line in a northwesterly direction to where it joins L. J. Ramirez fence line, approximately $\frac{3}{4}$ mile; thence, following the J. M. Sanchez and L. J. Ramirez fence line in a southwesterly direction to where fence turns in a northwesterly direction, approximately 1 mile; thence, following said fence in a northwesterly direction to where it joins the Juan M. Vela fence line, approximately $\frac{1}{2}$ mile; thence, following Juan M. Vela and L. J. Ramirez fence line in a northeasterly direction to a cross fence in the Juan M. Vela pasture, approximately 1 mile; thence, following cross fence line in a northwesterly direction to where it joins the L. J. Ramirez fence line, approximately 1 mile; thence, following L. J. Ramirez fence line and Juan M. Vela fence line in a southwesterly direction approximately $\frac{1}{2}$ mile; thence, following cross fence of L. J. Ramirez pasture in a northwesterly direction to G. Flores fence, approximately 1 mile; thence, following the G. Flores and L. J. Ramirez fence line in a southwesterly direction to where said fence turns northwest, approximately $\frac{1}{2}$ mile; thence, following said fence line in a northwesterly direction to where it turns southwest, approximately $\frac{1}{2}$ mile; thence, following said fence in a southwesterly direction to where it intersects old Highway No. 83, approximately $\frac{1}{2}$ mile; thence, following old Highway No. 83 in a northwesterly direction to the Juan Gutierrez Ranch fence, approximately 2 miles; thence, following the fence line of the Juan Gutierrez and Alejandros community in a northeasterly direction to where it intersects a cross fence in Alejandros Community pasture, approximately $1\frac{1}{2}$ miles; thence, following said cross fence in a northwesterly direction to where it joins Serapio Vela fence line, approximately $\frac{1}{2}$ mile; thence, following Serapio Vela fence line in a southwesterly direction to where it turns northwest, approximately $\frac{3}{4}$ mile; thence, following Serapio Vela fence in a northwesterly direction to where it turns southwest, approximately $\frac{1}{2}$ mile; thence, following said fence in a southwesterly direction to where it joins old Highway No. 83, approximately $\frac{1}{2}$ mile; thence, following

old Highway No. 83 in a northwesterly direction to where it intersects the north fence of the Serapio Vela pasture, approximately $1\frac{1}{2}$ miles; thence, following the Serapio Vela and E. Vela Estate fence line in a northwesterly direction to where it intersects new U. S. Highway No. 83, approximately 5 miles; thence, following southwest right-of-way fence line of relocated Highway No. 83 in a northwesterly direction to the intersection of said right-of-way fence line with the Humberto Vela and E. Vela Estate fence line approximately $\frac{1}{2}$ mile; thence, following the E. Vela Estate fence line in a southwesterly direction to old Highway No. 83, approximately 5 miles; thence, following old Highway No. 83 in a northwesterly direction to where it intersects the north fence of the Humberto Vela pasture, approximately $\frac{3}{4}$ mile; thence, following the Humberto Vela and S. Garcia fence line in a northeasterly direction to the S. Garcia east field fence, approximately 1 mile; thence, following this east field fence in a northwesterly direction to where it intersects the C. Martinez south fence, approximately $1\frac{1}{4}$ miles; thence, following the C. Martinez south fence in a northeasterly direction to where it intersects the south fence of the E. Gonzales Ranch, approximately 3 miles; thence, following the C. Martinez and E. Gonzales fence line in a northwesterly direction to where it intersects the H. Salinas fence line, approximately $\frac{1}{2}$ mile; thence, following H. Salinas and C. Martinez fence line in a southwesterly direction to old Highway No. 83, approximately 4 miles; thence, following old Highway No. 83 in a northwesterly direction to where it intersects the south fence line of the Lobo Ranch, a distance of approximately 7 miles; thence, following the Lobo Ranch and the Sabas Vasquez fence line in a northeasterly direction to a point where said fence intersects the south right-of-way fence line of new Highway No. 83, a distance of approximately $2\frac{1}{2}$ miles; thence, following the south right-of-way fence line of new Highway No. 83 to the intersection of the Lobo Ranch and F. Cuellar fence, a distance of approximately $2\frac{1}{2}$ miles; thence, following the said F. Cuellar east fence line in a southwesterly direction to the intersection of the said fence with the L. L. Haynes fence line, a distance of approximately $1\frac{1}{4}$ miles; thence, following the L. L. Haynes and F. Cuellar fence line in a northwesterly direction to where it turns southwest, approximately $\frac{1}{4}$ mile; thence, following said fence line in a southwesterly direction to where F. Cuellar fence line corners with Lee Gonzales fence line, approximately 2 miles; thence, following the F. Cuellar and Lee Gonzales fence line in a northwesterly direction to where said fence joins the G. Thatcher fence line, approximately $\frac{1}{4}$ mile; thence, following the F. Cuellar and G. Thatcher fence line in a northwesterly direction to where it turns southwest, approximately $\frac{1}{4}$ mile; thence, continuing to follow said fence line in a southwesterly direction to a cattle guard on the Old Zapata-Hebronville road, approximately $\frac{1}{4}$ mile; thence, following the fence line of H. Cuellar, and Zapata Townsite (old Zapata) in a northwesterly direction approximately $\frac{1}{2}$ mile and continuing on fence line of P. Ramirez and Zapata Townsite (old Zapata) in a northwesterly direction to where this fence joins the C. P. Flores Ranch fence line, approximately $\frac{1}{4}$ mile; thence, following the C. P. Flores fence line in a southwesterly direction to where it turns northwest, approximately $\frac{1}{2}$ mile; thence, following the C. P. Flores fence line in a northwesterly direction to the corner of the E. Cuellar field, approximately $\frac{1}{2}$ mile; thence, following the E. Cuellar and C. P. Flores fence line in a southwesterly direction to cross fence in the C. P. Flores pasture, approximately $\frac{1}{2}$ mile; thence, following cross fence in a northwesterly direction to where

it joins the P. Ramirez pasture, approximately $\frac{1}{2}$ mile; thence, following this same fence in a northwesterly direction through the P. Ramirez, M. Medina, Mike Cuellar, Manuel Cuellar and Brothers and C. Villareal ranches to where it intersects old Highway No. 83, approximately $\frac{1}{2}$ mile; thence, following old Highway No. 83 in a northwesterly direction to where it intersects the Uribe Community pasture southeast corner, approximately $\frac{1}{2}$ mile; thence, following the Uribe Community pasture southeast fence in a northeasterly direction to where it intersects new U. S. Highway No. 83, approximately $\frac{1}{2}$ mile; thence, following new U. S. Highway No. 83 in a westerly direction to where it intersects the north fence of the Uribe Community pasture, approximately $\frac{1}{2}$ mile; thence, following the north fence of the Uribe Community pasture in a southwesterly direction to where it intersects old Highway No. 83, approximately $\frac{1}{2}$ mile; thence, following old Highway No. 83 in a northerly direction to where it intersects with new Highway No. 83, approximately $\frac{1}{2}$ mile; thence, following U. S. Highway No. 83 in a northerly direction to the La Perla Farm cattle guard, approximately 18 miles; thence, following the Joe Amberson Ranch west fence line in a northerly direction to where it intersects the Alejandro Viduarri Estate Ranch south fence line, approximately 5 miles.

§ 72.6 Cattle from quarantined areas not eradicating ticks; conditions permitting interstate movement. Cattle of the quarantined area where tick eradication is not being conducted, which, with an interval of 7 to 12 days between dippings immediately preceding shipment, have been properly dipped twice in a permitted arsenical solution at a public stockyards or designated dipping station located within the State of their origin, or which have been otherwise treated under the supervision of a Division inspector in a manner approved by the Secretary of Agriculture at such public stockyards or designated dipping station and which just prior to final dipping are inspected by a Division inspector and found to be apparently free from ticks, may upon certification by said inspector, be shipped or transported interstate for any purpose upon compliance with the requirements set forth in §§ 72.9-72.15.

§ 72.7 Interstate movement upon one dipping; certification permitted from cooperating States. Cattle in areas where tick eradication is being conducted in cooperation with the State authorities, which on inspection by a Division inspector are found to be apparently free from ticks, may, after one dipping in an approved arsenical solution under the supervision of a Division inspector and certification by the said inspector, be shipped or transported interstate for any purpose upon compliance with the requirements set forth in §§ 72.9-72.15.

§ 72.8 Interstate movement of cattle from free premises upon inspection and certification by Division inspector. Cattle located in areas where tick eradication is being conducted in cooperation with the State authorities, and which are on premises shown by the official records of tick eradication to be free from ticks, may, upon inspection and certification by a Division inspector, be shipped or transported interstate for any purpose without dipping upon compli-

ance with the requirements set forth under §§ 72.9, 72.10, 72.12.

§ 72.9 Interstate movements of cattle; inspection and certification by Division inspector required. All interstate movements of inspected and certified and dipped and certified cattle shall be accompanied to final destination by a certificate of a Division inspector (which certificate shall show that the cattle so being moved have been dipped as required by § 72.6 or by § 72.7 and are free of ticks, or have been inspected as required by § 72.8, and are free of ticks); all such certificates shall be handled, delivered, kept, and preserved in accordance with the provisions of § 72.16; and all such cattle shall be handled through noninfectious pens, alleys, and chutes, and when shipped shall be loaded into clean and disinfected cars or trucks, and shall not be unloaded in the quarantined area except at such points reserved for noninfested cattle as may from time to time be authorized by the division.

§ 72.10 Inspected or dipped and certified cattle subject to restrictions of State of destination. All such interstate movements of inspected or dipped and certified cattle are subject to such restrictions, which are not inconsistent with the regulations in this subchapter, as may be imposed at destination by the officials of the State, Territory, or the District of Columbia.

§ 72.11 Quarantined area; cattle considered infested; requirements for placing in noninfectious pens or premises. Cattle of the quarantined area shall be considered infested and shall not be placed in noninfectious pens or premises until after the final inspection or dipping.

§ 72.12 Cattle; exposure to tick infestation after treatment or inspection prohibited. The cattle shall not be exposed to tick infestation after treatment and/or inspection.

§ 72.13 Dipping requirements; permitted dips; facilities; handling. The dipping of cattle for interstate movement shall be done only in a permitted dip and at places where proper facilities are provided for dipping and for handling the cattle in a manner to prevent exposure to infection after the final dipping. Cattle which are to be dipped shall be given an opportunity to drink sufficient water to quench their thirst prior to dipping, be carefully handled, and not dipped while they are in a heated or exhausted condition. Dipped cattle shall not be loaded for shipment until dry. The dip at present permitted by the Department is an arsenical solution which shall at all times show a minimum of twenty-two hundredths percent of arsenious oxide in solution, as indicated by the Division field test for the arsenical dipping bath.¹ A proprietary brand of arsenical solution may be used in official dipping only after specific permission therefor has been issued by the Division; and no dip will hereafter be given Department permission for official use in the dipping of cat-

tle for ticks unless it has been shown to the satisfaction of the Division (a) that the strength of the bath prepared therefrom may be satisfactorily determined in the field by a practical, portable testing outfit; (b) that under actual field conditions the dipping of cattle in a bath of definite strength will effectually eradicate ticks without injury to the animals dipped.

§ 72.14 Arsenical cattle dips; requirements for determination of suitability. The following specifications will be employed for determining the suitability of arsenical cattle dips for use under the provisions of this part.

(a) The product must remain a uniform liquid when held at the temperature of 0° C. (32° F.) for 3 hours (chill test).

(b) The product must be readily and completely miscible with water when added thereto in the proportion and in the manner employed for the preparation of dipping baths (solubility test).

(c) The product must contain arsenious oxide within the limits of 28.2 and 30.7 grams per 100 cubic centimeters measured at 25° C. (77° F.).

(d) The product must contain soap, derived from an appropriate soap base, in quantity not less than one-half the quantity of arsenious oxide present. The soap is to be reckoned as potassium soap, exclusive of glycerin and unsaponified matter.

(e) The product must contain tar acids derived from commercial cresylic acid in such proportion that equivalent potassium cresylate, when added to the soap content, shall yield a combined content of soap and cresylate not less than the content of arsenious oxide.

(f) The product must not contain an unnecessary excess of alkali.

§ 72.15 Owners assume responsibility; must execute agreement prior to dipping or treatment waiving all claims against United States. When the cattle are to be dipped under Division supervision the owner of the cattle, offered for shipment, or his agent duly authorized thereto, shall first execute and deliver to a Division inspector an application for inspection and supervised dipping wherein he shall agree to waive all claims against the United States for any loss or damage to said cattle occasioned by or resulting from dipping or other treatment under this part, or resulting from any subsequent treatment prior to their interstate shipment, or resulting from the fact that they are later found to be still tick infested, and also for all subsequent loss or damage to any other cattle in the possession or control of such owner which may come into contact with the cattle so dipped or treated.

§ 72.16 Designated dipping stations to be approved by Director of Division on recommendation of State authorities; facilities. When deemed advisable and upon recommendation by the proper livestock sanitary authorities, designated dipping stations may be approved by the Director of Division as points at which cattle of the quarantined area of the State in which said station is located may be inspected, dipped, and certified for

¹ Description available on application to the Department.

interstate movement. The facilities furnished shall include a properly equipped dipping vat, noninfectious pens constructed in accordance with § 72.17 and a roofed or covered section of pens of sufficient size to protect all dipped animals from exposure to rain or hot sun. All alleys, chutes, and pens shall be paved or properly floored.

§ 72.17 *Unloading noninfected cattle for rest, feed, and water only, permitted in authorized pens for such purpose—(a) Specifications for construction and maintenance.* Cattle of the free area, and cattle of the quarantined area when properly dipped, inspected, and certified in accordance with this part, which are transported interstate by rail through the quarantined area shall not be unloaded therein for rest, feed, and water unless they are unloaded into properly equipped, noninfectious pens set apart for such cattle at such points as may from time to time be authorized by the Division. Such noninfectious pens and the platforms, chutes, and alleys leading thereto shall be constructed and maintained in accordance with the specifications set out in subparagraphs (1) to (6) of this paragraph.

(1) The outside fences inclosing such pens, and the fences on either side of the alleys, chutes, and platforms leading thereto, shall be tight board fences not less than 6 feet high on the inside.

(2) If such pens, alleys, chutes, and platforms are adjacent to pens, alleys, chutes, and platforms used by cattle of the quarantined area, there shall be between them a space not less than 10 feet wide, which shall be inaccessible to livestock. This space shall be limited on each side by the 6-foot fence required by subparagraph (1) of this paragraph. The remaining space around such yards shall be limited as in subparagraph (3) of this paragraph.

(3) If such pens, alleys, chutes, and platforms are isolated from other pens, alleys, chutes, or platforms, there shall be built and maintained outside thereof on all sides to which cattle of the vicinity might otherwise approach a cattle-proof fence not less than 5 feet high and not less than 15 feet from the 6-foot fence required by subparagraph (1) of this paragraph.

(4) The only means of egress from such pens shall be by way of the alleys, chutes, and platforms inclosed by 6-foot fences as required by subparagraph (1) of this paragraph, to cars for reforwarding; and under no circumstances shall there exist any connection between such pens and other adjacent premises.

(5) Such noninfectious premises shall be so located, or such drainage facilities shall be provided therefor, that water from the surrounding area will not flow on to or through them.

(6) Such pens shall be marked by a conspicuous sign bearing the words "Noninfectious Pens" in letters not less than 10 inches in height.

(b) *Materials for use in noninfectious pens; source, shipment, handling.* The hay, straw, or similar materials required for feed and bedding in such noninfectious pens shall be shipped in noninfectious cars from points outside of the

quarantined area so handled that they may not become infectious.

§ 72.18 *Movement interstate; specification by Division Director of treatment required when dipping facilities unavailable—(a) Tick-infested cattle.* Cattle of the free area which are tick-infested may be moved interstate for any purpose after they have been treated in the same manner as cattle under § 72.6: *Provided, however,* That when dipping facilities are not available at the place where the cattle are, said treatment shall be given at a place and in the manner specified by the Director of Division.

(b) *Tick-exposed cattle.* Cattle of the free area which have been exposed to tick infestation may be moved interstate for any purpose after they have been treated in the same manner as cattle under § 72.7: *Provided, however,* That when dipping facilities are not available at the place where the cattle are, said treatment shall be given at a place and in the manner specified by the Director of Division.

(c) *Cattle moved contrary to regulations.* Cattle which have been moved from the quarantined area to the free area without first having been treated in the manner provided in either § 72.6 or § 72.7 or inspected in the manner provided in § 72.8 shall not be shipped or moved interstate until they have been treated in the same manner as cattle under § 72.6: *Provided, however,* That when dipping facilities are not available at the place where the cattle are, said treatment shall be given at a place and in the manner specified by the Director of Division.

§ 72.19 *Interstate shipments and use of pine straw, grass, or litter from quarantined area; prohibited until disinfected.* Pine straw, grass, or similar litter collected from tick-infested pastures, ranges, or premises may disseminate the contagion of splenic, southern, or Texas fever; therefore pine straw, grass, or similar litter originating in the quarantined area shall not be transported or moved interstate therefrom or used as packing material or ear bedding for commodities or livestock to be transported or moved from the quarantined area of any State, Territory, or the District of Columbia to or through the free area of any other State, Territory, or the District of Columbia, unless such material is first disinfected in accordance with the provisions of § 72.24.

§ 72.20 *Exhibition of noninfected cattle in the quarantined area; restrictions under which permitted.* The exhibition of noninfected cattle at fairs or exhibitions in the quarantined area and their reshipment to the free area without dipping may, by written order of the Director of Division, be permitted: *Provided,* That the cattle shall be handled under such conditions as may be prescribed in each case to preclude any danger of the spread of infection.

§ 72.21 *Horses, mules, and asses infested with or exposed to cattle ticks subject to same restrictions as cattle.* Horses, mules, and asses which are infested with ticks (*Margaropus annulatus*) or exposed to tick infestation shall not be moved interstate unless they are

treated in accordance with the requirements set forth in this part governing the interstate movement of cattle of the quarantined area infested with or exposed to tick infestation.

§ 72.22 *Cars, vehicles, and premises; cleaning and disinfection after containing infested or exposed animals.* Cars and other vehicles, and yard, pens, chutes, or other premises, which have contained interstate shipments of animals infested with or exposed to ticks, shall be cleaned and disinfected in accordance with the provisions of §§ 71.4-71.11.

§ 72.23 *Cars or other vehicles having carried infested or exposed cattle in quarantined area shall be cleaned and disinfected.* Cars or other vehicles which have carried cattle exposed to or infested with ticks within the quarantined area of any State shall be cleaned and disinfected in accordance with §§ 71.4-71.11 before being moved interstate.

§ 72.24 *Litter and manure from carriers and premises of tick-infested animals; destruction or disinfection required.* The litter and manure removed from cars, boats, or other vehicles and from pens, chutes, alleys, or other premises or inclosures which have contained interstate shipments of tick-infested animals, shall be destroyed or disinfected by the transportation or yard company, or other owner thereof, under Division supervision, by saturating it with any permitted disinfectant (see §§ 71.10, 71.11 of this subchapter), or otherwise disposed of under permission from the Director of Division.

PART 73—SCABIES IN CATTLE

Sec.	
73.1	Interstate movement prohibited.
73.2	Interstate shipment for immediate slaughter.
73.3	Shipment for purposes other than slaughter; conditions under which permitted.
73.4	Interstate shipment of cattle exposed but not visibly diseased; conditions under which permitted on one dipping.
73.5	Interstate shipment of undiseased cattle from quarantined area; when permitted.
73.6	Placarding cars and marking billing of shipments of dipped scabby cattle or cattle exposed to scabies.
73.7	Movement from quarantined to free area and shipment therefrom; restrictions under which permitted.
73.8	Cattle infected or exposed during transit.
73.9	Shipments from public stockyards; conditions and requirements.
73.10	Permitted dips; substances allowed.
73.11	Disinfection of cars, vehicles and premises having contained scabby cattle.

AUTHORITY: §§ 73.1 to 73.11 issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111-113, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 115, 117, 124, 126.

§ 73.1 *Interstate movement prohibited—(a) Cattle affected with scabies.*

No cattle affected with scabies shall be shipped, trailed, driven, or otherwise moved interstate for any purpose.

(b) *Cattle affected with or exposed to scabies.* No cattle which, just prior to movement, were affected with or exposed to scabies shall be shipped, trailed, driven, or otherwise moved interstate for any purpose except as provided in this part.

(c) *Cattle from area quarantined for scabies.* No cattle shall be shipped, trailed, driven, or otherwise moved interstate from the area quarantined for the disease of scabies in cattle except as provided in this part.

§ 73.2 *Interstate shipment for immediate slaughter—(a) Conditions under which permitted after one dipping.* Cattle which, just prior to shipment, were affected with scabies but have been dipped once in a permitted dip under the supervision of a Division inspector within 10 days prior to the date of shipment may be shipped or transported interstate for immediate slaughter to a recognized slaughtering center, upon compliance with the following conditions:

(1) They shall not be diverted en route.

(2) The cars shall be placarded and the billing shall be marked "Dipped Scabby Cattle," in accordance with § 73.6.

(b) *After one dipping; to be slaughtered within 14 days or redipped by owner.* Cattle shipped interstate subject to the provisions of paragraph (a) of this section shall be slaughtered within 14 days from the date of the dipping or shall be again dipped by the owner.

(c) *When part of diseased herd not visibly affected.* Cattle of the free area not visibly diseased with scabies, but which may be part of a diseased herd, may be shipped or transported interstate for immediate slaughter to any recognized slaughtering center where separate pens are provided for yarding exposed cattle: *Provided*, That the following conditions are strictly observed and complied with:

(1) The cars in which the cattle are transported shall be placarded and the billing accompanying the shipment shall be marked "Cattle Exposed to Scabies," in accordance with § 73.6.

(2) Upon arrival at a public stockyard the cattle shall not be permitted to mingle with other cattle until such time as they are disposed of for slaughter or are again dipped and certified for further interstate movement.

(d) *Undiseased herds in quarantined area; conditions under which permitted.* Cattle of herds of the quarantined area which are not diseased with scabies may be shipped, transported, or otherwise moved interstate for immediate slaughter, upon inspection by a Division inspector and when accompanied by a certificate from such inspector showing the cattle to be free from disease.

§ 73.3 *Shipment for purposes other than slaughter; conditions under which permitted.* Cattle affected with scabies may be shipped interstate for any purpose if dipped twice in a permitted dip, 10 to 14 days apart, under the supervision of a Division inspector, and so

certified by such inspector, or such cattle may be so shipped if dipped once in a permitted dip under Division supervision at the point of origin, provided arrangements have been made for the second dipping, under Division supervision, en route or at destination within 10 to 14 days after the first dipping. If shipped in the latter manner the cars containing the cattle shall be placarded and the billing shall be marked "Dipped Scabby Cattle," in accordance with § 73.6.

§ 73.4 *Interstate shipment of cattle exposed but not visibly diseased; conditions under which permitted on one dipping.* Cattle not visibly diseased with scabies, but which are known to be part of a diseased herd or to have come in contact with diseased cattle or infectious cars or premises, may be shipped interstate for any purpose if dipped once at the point of origin, under the supervision of a Division inspector, in a permitted dip, or the cattle may be dipped en route by special permission first had and obtained from the Director of the Division; but in such event the cars shall be placarded and the billing shall be marked "Cattle Exposed to Scabies," in accordance with § 73.6, and the cattle shall not be permitted to mingle with other cattle until disposed of in accordance with the regulations in this part.

§ 73.5 *Interstate shipment of undiseased cattle from quarantined area; when permitted.* Cattle of herds of the quarantined area which are not diseased with scabies may be shipped or transported interstate for any purpose upon inspection by a Division inspector and when accompanied by a certificate from such inspector showing the cattle to be free from disease or exposure thereto.

§ 73.6 *Placarding cars and marking billing of shipments of dipped scabby cattle or cattle exposed to scabies.* When cattle are shipped as "Dipped Scabby Cattle," or "Cattle Exposed to Scabies," the transportation companies shall securely affix to and maintain upon both sides of each car carrying such cattle a durable, conspicuous placard, not less than 5½ by 8 inches in size, on which shall be printed with permanent black ink in boldfaced letters, not less than 1½ inches in height, the words, "Dipped Scabby Cattle," or "Cattle Exposed to Scabies," as the case may be. These placards shall also show the name of the place from which the shipment was made, the date of the shipment (which must correspond to the date of the waybills and other papers), the name of the transportation company, and the name of the place of destination. The carrier issuing the waybills, conductors' manifests, memoranda, and bills of lading pertaining to such shipments shall plainly write or stamp upon the face of each such paper the words, "Dipped Scabby Cattle," or "Cattle Exposed to Scabies," as the case may be. If for any reason the placards required by this part have not been affixed to the car as aforesaid, or the placards have been removed, destroyed, or rendered illegible, or the cattle are rebilled or are transferred to other cars or boats, the placards shall be immediately affixed or replaced by the

carrier, and the new waybills shall be marked as aforesaid by the carrier issuing them, the intention being that the billing accompanying the shipment shall be marked and the car containing the cattle shall be placarded "Dipped Scabby Cattle," or "Cattle Exposed to Scabies," as the case may be, from the time of shipment until the cattle arrive at destination or point of dipping and the disposition of the cars is indicated by a Division inspector.

§ 73.7 *Movement from quarantined to free area and shipment therefrom; restrictions under which permitted.* No person, firm, or corporation shall deliver for transportation, transport, drive on foot, or otherwise move interstate from the free area of any State, Territory, or the District of Columbia any cattle which have been moved from the quarantined area of the same State, Territory, or the District of Columbia into such free area: *Provided, however*, That such cattle may be delivered for transportation, transported, driven on foot, or otherwise moved interstate for the purposes for which the shipment, transportation, or other movement interstate of cattle of the quarantined area is permitted by this part. *Provided*, That in such shipment and transportation or other movement the requirements of this part governing the shipment and transportation or other movement of cattle of the quarantined area are strictly complied with: *And provided further*, That this section shall not apply to cattle of the quarantined area which, before being moved into the free area, are certified by a Division inspector as free from disease and are accompanied by such certificate in their shipment and transportation or other movement interstate.

§ 73.8 *Cattle infected or exposed during transit—(a) Healthy cattle from unquarantined State exposed en route.* Should healthy cattle in transit from a State not quarantined by the Secretary of Agriculture for scabies in cattle be unloaded en route and placed in infectious premises, they shall be treated as exposed cattle, and their further movement shall be subject to the provisions of this part with respect to the movement of exposed cattle.

(b) *Interstate shipments of cattle under Division certificate found affected or exposed en route.* Cattle shipped interstate under a certificate from a Division inspector, or other cattle which are found en route to be affected with scabies or to have been exposed thereto, shall thereafter be handled in the same manner as diseased or exposed cattle are required by this part to be handled, and the cars or other vehicles and the chutes, alleys, and pens which have been occupied by diseased animals shall be cleaned and disinfected as provided in §§ 71.4-71.11 of this subchapter.

§ 73.9 *Shipments from public stockyards; conditions and requirements.* No cattle shall be shipped or moved interstate from any public stockyards without a certificate issued by a Division inspector showing that the cattle are free from scabies or have been dipped for scabies: *Provided*, That this restriction

shall not apply to shipments of cattle unloaded in transit for feed, water, and rest, and not offered for sale. If cattle affected with scabies are introduced into the noninfectious yards or portions thereof, the chutes, alleys, and pens used by them shall be thoroughly cleaned and disinfected under Division supervision.

§ 73.10 Permitted dips; substances allowed. (a) The dips at present permitted by the Department for the treatment, under Division supervision, of cattle affected with or exposed to scabies are as follows:

(1) Lime-sulphur dip, other than proprietary brands thereof, made in the proportion of 12 pounds of unslaked lime (or 16 pounds of commercial hydrated lime, not airslaked lime) and 24 pounds of flowers of sulphur or sulphur flour to 100 gallons of water.

(2) Nicotine dip, other than proprietary brands thereof, containing not less than five one-hundredths of 1 percent of nicotine.

(3) Benzene Hexachloride (BHC) and Lindane dips made and maintained at a concentration of 0.075 percent gamma isomer.

(b) A proprietary brand of lime-sulphur dip or nicotine dip may be used in official dipping only after specific permission therefor has been issued by the Division.

(c) The dipping bath for the lime-sulphur and nicotine dips must be used at a temperature of 95° to 103° F., and must be maintained at all times at a strength of not less than 2 percent of "sulphide sulphur" in the case of the lime-sulphur dip, and not less than five one-hundredths of 1 percent of nicotine in the case of the nicotine dip, as indicated by the field tests for such baths approved by the Division. The dipping bath for the benzene hexachloride and lindane dips must be used at a temperature of less than 80° F., and must be maintained at all times at a concentration of 0.075 percent gamma isomer.

(d) Before a dip, other than those specified in this section, is approved as a permitted dip for the eradication of scabies in cattle, the Division will consider, among other things, whether the strength of the bath prepared therefrom may be satisfactorily determined in the field by a practical portable testing outfit, and whether, under actual field conditions, the dipping of cattle in a bath of definite strength will effectually eradicate scabies infection without injury to the animals dipped.

¹The field test for lime-sulphur dipping baths is described in United States Department of Agriculture Bulletin 163, for sale by the Superintendent of Documents, Government Printing Office, Washington 25, D. C., at 5 cents a copy. A field test outfit at present approved by the Division for nicotine-dipping baths is that designated for the purpose of identification as "Field test outfit N-3." (Description available on application to the Department.)

²Inasmuch as care must be exercised in dipping animals and in maintaining the bath at the standard concentration when these wettable powders are employed, detailed instruction will be issued for the guidance of employees who may be called upon to use them in the scabies eradication program.

§ 73.11 Disinfection of cars, vehicles and premises having contained scabby cattle. Cars and other vehicles, yards, pens, sheds, chutes, or other premises which have contained cattle of a consignment in which scabies is found shall be cleaned and disinfected in accordance with the provisions of §§ 71.4-71.11 of this subchapter.

PART 74—SCABIES IN SHEEP

INTERSTATE MOVEMENT

- Sec. 74.1 Interstate movement of affected sheep prohibited.
- 74.6 Sheep affected with or exposed to scabies prohibited except as provided.
- 74.7 From quarantine area; prohibited except as provided.
- 74.8 When scab present whole flock classed as diseased; not to be shipped until dipped; "picking" a flock prohibited.

SHIPMENT FOR IMMEDIATE SLAUGHTER

- 74.9 Conditions under which permitted after one dipping.
- 74.10 To be slaughtered within 14 days or redipped.
- 74.11 Exposed but not diseased sheep; conditions under which sending permitted to recognized slaughtering center without dipping.
- 74.12 Interstate movement from quarantined area; permitted on inspection and certification.
- 74.13 Interstate movement of exposed, not diseased, sheep to recognized slaughtering center; conditions under which permitted.
- 74.14 Exposed but undiseased sheep to recognized slaughtering center on Division inspection and certification.
- 74.15 Placarding of cars and marking of billing of carriers.

SHIPMENT FOR PURPOSES OTHER THAN SLAUGHTER

- 74.16 Affected sheep from free or quarantined area permitted for any purpose on two dippings.
- 74.17 Undiseased but exposed sheep permitted for any purpose on one dipping.
- 74.18 Unaffected and unexposed sheep from quarantined area permitted for any purpose after Division inspection and certification.

MOVEMENT FROM QUARANTINED TO FREE AREA AND SHIPMENT THEREFROM

- 74.19 Prohibited except in compliance with regulations regarding movement of quarantined sheep or on Division certification.

SHEEP INFECTED OR EXPOSED IN TRANSIT

- 74.20 Undiseased and unexposed sheep exposed in transit to be treated, moved, and handled as exposed.
- 74.21 Sheep diseased or exposed en route under Division certification; handled as diseased or exposed.

SHIPMENTS FROM PUBLIC STOCKYARDS

- 74.22 Interstate shipment; conditions under which permitted.
- 74.23 Interstate shipment prohibited unless for slaughter.

PERMITTED DIPS

- 74.24 Permitted dips; substances allowed.

DISINFECTION OF CARS, VEHICLES, AND PREMISES

- 74.25 Required if contained diseased sheep.

AUTHORITY: §§ 74.1 to 74.25 issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended,

secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111-113, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 115, 117, 124, 126.

INTERSTATE MOVEMENT

§ 74.1 Interstate movement of affected sheep prohibited. No sheep affected with scabies shall be shipped, trailed, driven, or otherwise moved interstate for any purpose.

§ 74.6 Sheep affected with or exposed to scabies prohibited except as provided. No sheep which, just prior to movement, were affected with or exposed to scabies shall be shipped, trailed, driven, or otherwise moved interstate for any purpose except as provided in this part.

§ 74.7 From quarantined area; prohibited except as provided. No sheep shall be shipped, trailed, driven, or otherwise moved interstate from the area quarantined for the disease of scabies in sheep except as provided in this part.

§ 74.8 When scab present whole flock classed as diseased; not to be shipped until dipped; "picking" a flock prohibited. All the sheep in a certain flock or shipment in which the disease of scabies is present shall be classed as diseased sheep, and none of them shall be offered for interstate shipment until dipped as provided in this part. The practice of "picking" a flock—that is, removing any sheep which are visibly diseased and then offering any portion of the remaining sheep for either inspection or interstate shipment or both—is prohibited.

SHIPMENT FOR IMMEDIATE SLAUGHTER

§ 74.9 Conditions under which permitted after one dipping. Sheep which, just prior to shipment, were affected with scabies but have been dipped once in a permitted dip under the supervision of a Division inspector within 10 days prior to the date of shipment may be shipped or transported interstate, for immediate slaughter, to a recognized slaughtering center provided the following conditions are strictly observed and complied with:

(a) The sheep shall not be diverted en route.

(b) The cars or boats containing the sheep shall be placarded and the billing shall be marked "Dipped Scabby Sheep," in accordance with § 74.15.

(c) Upon arrival at a public stockyard the sheep shall be placed in a portion of the stockyard set aside for the receipt of such sheep and not permitted to mingle with other animals until such time as they are disposed of for slaughter or are again dipped and certified for further interstate movement for purposes other than slaughter.

§ 74.10 To be slaughtered within 14 days or redipped. Sheep shipped interstate subject to the provisions of § 74.9 shall be slaughtered within 14 days from the date of the dipping or shall be again dipped by the owner.

§ 74.11 Exposed but not diseased sheep; conditions under which sending permitted to recognized slaughtering center without dipping. Sheep that are

not diseased with scabies, but which have been exposed to the contagion of the disease, may be shipped or transported interstate by rail from the free area, without dipping, to a recognized slaughtering center for immediate slaughter, provided that the cars are placarded and the billing is marked "Exposed Sheep for Slaughter," in accordance with § 74.15.

§ 74.12 *Interstate movement from quarantined area; permitted on inspection and certification.* Sheep of the quarantined area may be shipped or transported interstate for immediate slaughter provided they have been inspected by a Division inspector and found free from the disease or exposure thereto and are accompanied by a certificate from the said inspector to that effect.

§ 74.13 *Interstate movement of exposed, not diseased, sheep to recognized slaughtering center; conditions under which permitted.* Sheep of the quarantined area which have been exposed to scabies but are not affected therewith may be shipped or transported interstate, for immediate slaughter, to a recognized slaughtering center provided the following conditions are strictly observed and complied with:

(a) The sheep shall be inspected by a Division inspector and certified to be free from scabies.

(b) The sheep shall not be diverted en route.

(c) The cars or boats containing the sheep shall be placarded and the billing shall be marked "Exposed Sheep For Slaughter," in accordance with § 74.15.

§ 74.14 *Exposed but undiseased sheep to recognized slaughtering center on Division inspection and certification.* Sheep shipped interstate subject to the provisions of § 74.13 shall be slaughtered within 14 days from the date of shipment or shall be dipped once in a permitted dip under Division supervision.

§ 74.15 *Placarding of cars and marking of billing of carriers.* When sheep are shipped for slaughter in accordance with §§ 74.9, 74.11, 74.13, the transportation companies shall securely affix to and maintain upon both sides of each car carrying such sheep a durable and conspicuous placard, not less than 5½ by 8 inches in size, on which shall be printed with permanent black ink in bold-face letters, not less than 1½ inches in height, the words, "Dipped, Scabby Sheep," or "Exposed Sheep For Slaughter," as the case may be. These placards shall also show the name of the place from which the shipment was made, the date of the shipment (which must correspond to the date of the waybills and other papers), the name of the transportation company, and the name of the place of destination. The carrier issuing the waybills, conductors' manifests, memoranda, and bills of lading pertaining to such shipments shall plainly write or stamp upon the face of such papers the words "Dipped Scabby Sheep," or "Exposed Sheep For Slaughter," as the case may be. If for any reason the placards required by this part have not been affixed to the car as aforesaid, or the placards have been removed, destroyed, or rendered illegible, or the sheep are rebilled or are transferred to

other cars or boats the placards shall be immediately affixed or replaced by the carrier and the new waybills shall be marked as aforesaid by the carrier issuing them, the intention being that the billing accompanying the shipment shall be marked and the cars containing the sheep shall be placarded "Dipped Scabby Sheep," or "Exposed Sheep For Slaughter," as the case may be, from the time of shipment until the sheep arrive at destination and the disposition of the cars is indicated by a Division inspector.

SHIPMENT FOR PURPOSES OTHER THAN SLAUGHTER

§ 74.16 *Affected sheep from free or quarantined area permitted for any purpose on two dippings.* Sheep which were affected with scabies just prior to shipment may be moved interstate for any purpose from the free area or from the quarantined area after they have been dipped twice, 10 to 14 days apart, in a permitted dip under the supervision of a Division inspector, and are so certified by such inspector.

§ 74.17 *Undiseased but exposed sheep permitted for any purpose on one dipping.* Sheep that are not diseased with scabies but which have been exposed to the contagion of the disease may be shipped, transported, or otherwise moved interstate, for any purpose after they have been dipped once in a permitted dip under the supervision of a Division inspector and are certified by such inspector to be free from the disease.

§ 74.18 *Unaffected and unexposed sheep from quarantined area permitted for any purpose after Division inspection and certification.* Sheep of the quarantined area which are not affected with and have not been exposed to scabies may be shipped, transported, or otherwise moved interstate for any purpose after they have been inspected by a Division inspector and found to be free from the disease or exposure thereto when accompanied by a certificate from the said inspector to that effect.

MOVEMENT FROM QUARANTINED TO FREE AREA AND SHIPMENT THEREFROM

§ 74.19 *Prohibited except in compliance with regulations regarding movement of quarantined sheep or on Division certification.* No person, firm, or corporation shall deliver for transportation, transport, drive on foot, or otherwise move interstate from the free area of any State, Territory, or the District of Columbia any sheep which have been moved from the quarantined area of the same State, Territory, or the District of Columbia into such free area: *Provided, however,* That such sheep may be delivered for transportation, transported, driven on foot, or otherwise moved interstate for the purposes for which the shipment, transportation, or other movement interstate of sheep of the quarantined area is permitted by this part, provided that in such shipment and transportation or other movement the requirements of this part governing the shipment and transportation or other movement of sheep of the quarantined area are strictly complied with: *And provided further,* That this section shall not

apply to sheep of the quarantined area which, before being moved into the free area, are certified by a Division inspector as free from disease and are accompanied by such certificate in their shipment and transportation or other movement interstate.

SHEEP INFECTED OR EXPOSED IN TRANSIT

§ 74.20 *Undiseased and unexposed sheep exposed in transit to be treated, moved, and handled as exposed.* If sheep free from scabies and exposure thereto be unloaded while in the course of interstate transportation on infectious premises, they shall thereafter be treated as exposed sheep and their further movement shall be subject to the provisions of this part with respect to the movement of exposed sheep.

§ 74.21 *Sheep diseased or exposed en route under Division certification; handled as diseased or exposed.* Sheep shipped interstate under a certificate from a Division inspector, or other sheep which are found en route to be affected with scabies or to have been exposed thereto, shall thereafter be handled in the same manner as diseased or exposed sheep are required by this part to be handled, and the cars or other vehicles, and the chutes, alleys, and pens which have been occupied by diseased sheep shall be cleaned and disinfected, as provided in §§ 71.4-71.11 of this subchapter.

SHIPMENTS FROM PUBLIC STOCKYARDS

§ 74.22 *Interstate shipment; conditions under which permitted.* No sheep shall be shipped or moved interstate from any public stockyards without a certificate issued by a Division inspector showing that the sheep are free from scabies or have been dipped for scabies: *Provided,* That this restriction shall not apply to shipments of sheep unloaded in transit for feed, water, and rest, and not offered for sale.

§ 74.23 *Interstate shipment prohibited unless for slaughter.* No sheep shall be shipped or moved interstate from any public stockyards for purposes other than slaughter, without being dipped under Division supervision: *Provided,* That where a part or all of the stockyards is reserved and set apart for the reception of noninfected shipments of sheep and is kept free from contagious, infectious, and communicable diseases, sheep may be shipped interstate from such noninfectious yards or portions thereof, without such dipping. If sheep affected with a contagious, infectious, or communicable disease are introduced into the noninfected yards or portions thereof, the chutes, alleys, and pens occupied by the said sheep shall be thoroughly cleaned and disinfected under Division supervision.

PERMITTED DIPS

§ 74.24 *Permitted dips; substances allowed.* (a) The dips at present permitted by the Department for the treatment, under Division supervision, of sheep affected with or exposed to scabies are as follows:

(1) Lime-sulphur dip, other than proprietary brands thereof, made in the proportion of 8 pounds of unslaked lime

(or 11 pounds of commercial hydrated lime, not airslaked lime) and 24 pounds of flowers of sulphur or sulphur flour to 100 gallons of water.

(2) Nicotine dip, other than proprietary brands thereof, containing not less than five one-hundredths of 1 percent of nicotine.

(3) Benzene Hexachloride (BHC) and lindane dips made and maintained at a concentration of 0.06 percent gamma isomer.

(b) A proprietary brand of lime-sulphur dip or nicotine dip may be used in official dipping only after specific permission therefor has been issued by the Division.

(c) The dipping bath for the lime-sulphur and nicotine dips must be used at a temperature of 95° to 105° F., and must be maintained at all times at a strength of not less than 1½ percent of "sulphide sulphur" in the case of the lime-sulphur dip, and not less than five one-hundredths of 1 percent of nicotine in the case of the nicotine dip, as indicated by the field tests for such baths approved by the Division. The dipping bath for the benzene hexachloride and lindane dips must be used at a temperature of less than 80° F., and must be maintained at all times at a concentration of 0.06 percent gamma isomer.*

(d) Before a dip, other than those specified in this section, is approved as a permitted dip for the eradication of scabies in sheep, the Division will consider, among other things whether the strength of the bath prepared therefrom may be satisfactorily determined in the field by a practical portable testing outfit, and whether, under actual field conditions, the dipping of sheep in a bath of definite strength will effectually eradicate scabies infection without injury to the animals dipped.

DISINFECTION OF CARS, VEHICLES, AND PREMISES

§ 74.25 Required if contained diseased sheep. Cars and other vehicles, yards, pens, sheds, and chutes which have contained diseased sheep shall be cleaned and disinfected in accordance with the provisions of §§ 71.4-71.11 of this subchapter.

PART 75—DOURINE IN HORSES AND ASSES

- Sec.
- 75.1 Movement of animals from quarantined areas; Division inspection and certification required.
- 75.2 Breeding animals in quarantined areas; interstate movement within 18 months prohibited except on Division certification as having passed complement-fixation test.
- 75.3 Appraisal of and compensation for animals.

AUTHORITY: §§ 75.1 to 75.3 issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended, sec. 11, 58 Stat. 734, as amended; 21 U. S. C. 111-113, 114a, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 115, 117, 124, 126.

§ 75.1 Movement of animals from quarantined areas; Division inspection and certification required. No horses, or asses shall be offered for interstate shipment, shipped, transported, driven, or trailed or otherwise moved interstate from an area quarantined by the Secretary of Agriculture for dourine, without Division inspection and certification of freedom from the disease for the purpose of the particular movement. Owners and custodians of horses or asses for whom inspection is made shall provide such reasonable facilities and render such assistance as may be required by the inspector.

§ 75.2 Breeding animals in quarantined areas; interstate movement within 18 months prohibited except on Division certification as having passed complement-fixation test. If stallions or jacks shall be allowed to run at large in an area quarantined by the Secretary of Agriculture for dourine, or if there shall be any breeding of horses or asses in a herd in the quarantined area in which there is a horse or an ass which has been exposed to the infection of dourine, within 18 months after the said exposure, the interstate movement of any horses or asses from the said area is absolutely prohibited unless and until such horses and asses have been certified by a Division inspector as having passed the complement-fixation test for such disease.

§ 75.3 Appraisal of and compensation for animals. When it is necessary, in order to prevent the spread of dourine and to aid in its extermination, and an appropriation is available therefor, the Department will cooperate with State and Federal governmental agencies in the purchase of diseased animals in the following manner:

(a) The fact of infection with this disease shall be determined by the complement-fixation test applied in the laboratory of the Division.

(b) The animal shall be appraised at its actual value by a Division inspector and a representative of the cooperating agency, or, when provided by State law, assessed value as shown by the assessor's books will be accepted in lieu of appraisal.

(c) The Department will pay one-half of the appraised or assessed value, not to exceed \$100, if the owner signs an agreement to accept such sum as compensation in full for the discharge of all claims he may have against the Department on account of the destruction of the animal in question: *Provided*, That if the eradication work is carried on in cooperation with a Federal agency the Department may pay all of the appraised value, not to exceed \$100.

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

Subpart A—General Restrictions

- Sec.
- 76.1 Interstate movement of diseased swine prohibited.
- 76.3 Interstate movement of swine from public stockyards for feeding, breeding, or stocking purposes prohibited except as provided.

- Sec.
- 76.4 Movements from public stockyards to recognized slaughtering center; when permitted.
- 76.5 Movements from public stockyards to States requiring 3 weeks segregation; when permitted.
- 76.6 When shipment permitted owner to observe State requirements at destination.
- 76.7 Disinfection of cars and vehicles which have contained interstate shipments of diseased swine.
- 76.8 Interstate transportation of swine except for immediate slaughter; requirements.

Subpart B—Swine Diseases Spread Through Raw Garbage

- 76.25 Definitions.
- 76.26 Notice relating to existence of contagion of swine diseases and regulations governing the interstate movement of swine and swine products.
- 76.27 Notice and quarantine.
- 76.28 General restrictions.
- 76.29 Movement of specially processed swine products.
- 76.30 Movement of swine and swine products from a non-quarantined area.
- 76.31 Movement of swine and swine products from a quarantined area.
- 76.32 Movement of swine and swine products through a quarantined area.
- 76.33 Movement of swine and swine products which have been exposed to or affected with vesicular exanthema.
- 76.34 Special processing of swine products.
- 76.35 Cleaning and disinfecting vehicles and facilities.
- 76.36 Cleaning and disinfecting public stockyards.
- 76.37 Disinfectants to be used.

AUTHORITY: §§ 76.1 to 76.8 issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended; 21 U. S. C. 111-113, 120, 121. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended; 21 U. S. C. 115, 117.

SUBPART A—GENERAL RESTRICTIONS

§ 76.1 Interstate movement of diseased swine prohibited. No swine which are diseased with hog cholera or swine plague or other contagious, infectious, or communicable disease shall be shipped, transported, trailed, driven, or otherwise moved interstate for any purpose.

§ 76.3 Interstate movement of swine from public stockyards for feeding, breeding, or stocking purposes prohibited except as provided. No swine shall be shipped, driven, or transported interstate from public stockyards for feeding, breeding, or stocking purposes, except as provided in §§ 76.4-76.6.

§ 76.4 Movements from public stockyards to recognized slaughtering center; when permitted. Swine may be shipped, driven on foot, or transported interstate from public stockyards to a recognized slaughtering center for immediate slaughter and shall not be diverted en route for any other purpose.

§ 76.5 Movements from public stockyards to States requiring 3 weeks segregation; when permitted. Swine may be shipped, transported, or otherwise moved interstate from public stockyards for any purpose to States the laws, rules, or regulations of which provide for the segregation or quarantine of imported hogs for a period of not less than three weeks,

* See footnotes 1 and 2 to § 73.10.

provided that the following requirements are strictly observed and complied with:

(a) The swine shall be inspected by a Division inspector at such yards.

(b) If the swine upon such inspection are found to be affected with cholera, they shall be treated by a competent veterinarian under Division supervision in a portion of the yards set aside for that purpose in accordance with one or the other of the methods set forth in paragraph (d); and at the expiration of not less than 30 days, if found upon examination to be free from disease, they may be released for any purpose after disinfection in accordance with paragraph (e).

(c) If upon such inspection the swine are found free from symptoms of cholera and other contagious, infectious, or communicable diseases, and in a thrifty condition, they shall be treated by a competent veterinarian under Division supervision in a portion of the yards set aside for that purpose, in accordance with one or the other of the methods set forth in paragraph (d), provided that the temperature of each animal is taken before treatment, and that only those which exhibit a temperature of less than 104° F. shall be permitted to be shipped or moved interstate.

(d) (1) Serum-alone method. The swine may be given the serum-alone injection with hog-cholera serum prepared under license from the Secretary of Agriculture. The dose of serum administered shall be in conformity with the amounts specified under paragraph (f).

(2) Simultaneous inoculation method. The swine may be given the simultaneous inoculation with anti-hog-cholera serum and hog cholera virus, or such serum and modified live virus vaccine, prepared under license from the Secretary of Agriculture. The doses of serum, virus, and modified live virus vaccine administered shall be in conformity with the amounts specified in paragraph (f) of this section.

(e) After receiving either of the treatments prescribed in paragraph (d), the swine shall be disinfected in a 2 percent solution of a permitted cresylic disinfectant and be held in noninfectious pens for at least three hours before being loaded for interstate transportation.

(f) The dosage of serum, virus, and modified live-virus vaccine used for the treatment of swine under the provisions of paragraph (d) of this section shall in no instance be less than that prescribed in subparagraphs (1), (2), and (3) of this paragraph.

(1) Dosage of anti-hog-cholera serum.

Weight of swine (pounds):	Dose of serum (cubic centimeters)
20-40	30
40-60	30-40
60-90	40-50
90-120	50-60
120-150	60-70
150-180	70-80
180 and over	80-100

(2) Dosage of virus.

Weight of swine (pounds):	Dose of virus (cubic centimeters)
20-40	1
40 and over	2

(3) Dosage of modified live-virus vaccine with anti-hog-cholera serum. The dosage of modified live-virus vaccine shall be that recommended on the product label by the licensed manufacturer, supplemented with anti-hog-cholera serum in the amounts given in subparagraph (1) of this paragraph.

(g) The shipment shall be accompanied by a certificate issued by a Division inspector.

(h) The swine shall be transported in clean and disinfected cars or other vehicles.

§ 76.6 When shipment permitted owner to observe State requirements at destination. When swine are shipped interstate subject to the provisions of § 76.5, the State requirements at destination shall be observed by the owner.

§ 76.7 Disinfection of cars and vehicles which have contained interstate shipments of diseased swine. Cars and other vehicles which have contained interstate shipments of diseased swine shall be cleaned and disinfected as soon as possible after the swine are unloaded. Cars that have contained interstate shipments of swine destined to places where Division inspection is maintained shall not be moved from such places until a Division inspector has ascertained the condition of the live animals and the cars have been released or they have been cleaned and disinfected, as directed by the inspector, in accordance with §§ 71.4-71.11 of this subchapter.

§ 76.8 Interstate transportation of swine except for immediate slaughter; requirements. No swine shall be transported interstate for purposes other than slaughter in cars or other vehicles which have been used in the transportation of livestock since they were last cleaned and disinfected, unless the cars or other vehicles in which they are loaded are first cleaned and disinfected in the manner prescribed in §§ 71.9-71.11 of this subchapter.

SUBPART B—SWINE DISEASES SPREAD THROUGH RAW GARBAGE

AUTHORITY: §§ 76.25 to 76.37 issued under secs. 4, 5, 23 Stat. 32, as amended, sec. 1, 2, 32 Stat. 791, as amended, 792, as amended, sec. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111-113, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, sec. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 115, 117, 124, 126.

§ 76.25 Definitions. As used in this subpart, the following terms shall have the meanings set forth in this section.

(a) Administrator. The Administrator of the Agricultural Research Service, United States Department of Agriculture, or any other official of such Service to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(b) Division. The Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture.

(c) Director of Division. The Director of the Division or any other official of the Division to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) Garbage. Waste consisting in whole or in part of animal waste resulting from handling, preparing, cooking, and consuming of food including the offal from animal carcasses or parts thereof, but excluding such waste from ordinary household operations which is fed directly to swine on the same premise.

(e) Raw garbage. Garbage that has not been heated throughout to boiling or equivalent temperature (usually 212° F. at sea level) for 30 minutes, or heated according to a method specifically approved by the Director of Division.

(f) Cooked garbage. Garbage that has been heated throughout to boiling or equivalent temperature (usually 212° F. at sea level) for 30 minutes, or heated according to a method specifically approved by the Director of Division.

(g) State. State, Territory, or the District of Columbia.

(h) Interstate. From one State into or through any other State.

(i) Quarantined area. A State or area quarantined because of vesicular exanthema.

(j) Non-quarantined area. Any State or area not quarantined because of vesicular exanthema.

(k) Person. Any person, company or corporation.

(l) Moved or movement. As applied to swine, the term "moved" or "movement" means transported, shipped, delivered or received for transportation, driven on foot or caused to be driven on foot, by any person, and as applied to swine products, the term "moved" or "movement" means transported, shipped, or delivered or received for transportation, by any person.

(m) Public stockyard. A stockyard where trading in livestock is carried on; where yarding, feeding, and watering facilities are provided by the stockyard, transportation, or similar company; and where Federal inspection is maintained for the inspection of livestock for communicable diseases.

(n) Clean stockyard. A public stockyard in a quarantined area which is found by the Director of Division to be free from the infection of vesicular exanthema.

(o) Swine product. Any carcass, part or offal of swine.

(p) Special processing. Subjecting a swine product to heat treatment in accordance with the requirements contained in § 76.34.

(q) Vesicular exanthema. The contagious, infectious, and communicable disease of swine commonly known as vesicular exanthema.

§ 76.26 Notice relating to existence of contagion of swine diseases and regulations governing the interstate movement of swine and swine products. Notice is hereby given that there is reason to believe raw garbage is one of the primary media through which the contagion of hog cholera, vesicular exanthema, swine erysipelas, trichinosis, tuberculosis, and other contagious, infectious, and communicable diseases of swine is disseminated, and that one or more of such diseases exists in each State. Notice is hereby given also that there is reason

to believe that if certain foreign diseases, such as foot-and-mouth disease and African swine fever, gain entrance into the United States, the contagion of such diseases may be spread through the medium of raw garbage. Therefore, in order to more effectually prevent, suppress, and extirpate such diseases, to prevent the interstate spread thereof, and to guard against the dissemination of diseases from foreign countries, the regulations in this subpart are promulgated.

§ 76.27 Notice and quarantine. Notice is hereby given that swine in the following specified States are affected with vesicular exanthema, and the following areas in such States are hereby quarantined because of said disease:

- (a) [Reserved]
- (b) [Reserved]
- (c) [Reserved]
- (d) New Jersey:
- (1) [Reserved]
- (2) [Reserved]
- (3) [Reserved]
- (4) [Reserved]
- (5) All of Gloucester County except the following:

(i) That part of Deptford Township lying south and east of Little Timber Creek, west of the Westville-Almonesson Road, and north of a line perpendicular to the Westville-Almonesson Road, said line beginning at a point on the Westville-Almonesson Road 300 feet north of the New Jersey Turnpike right-of-way, running in a westerly direction and ending at Little Timber Creek, owned by Joseph Riddle, R. D. 1, Westville, New Jersey;

(ii) That part of Deptford Township included within a boundary beginning at a point 1,775 feet south of Delsea Drive on Tanyard Road, extending easterly 598 feet, thence southerly 1,203 feet, thence westerly 630 feet to Tanyard Road, thence northerly 1,132 feet following Tanyard Road to point of origin, owned by William Lafferty and Sons, Sewell, New Jersey;

(iii) That part of Deptford Township lying north of the New Jersey Turnpike, west of Delsea Drive, south of Joseph Street, and east of a line beginning at a point on Joseph Street, 1,250 feet west of Delsea Drive, and running parallel with Delsea Drive to the New Jersey Turnpike, owned by E. Miserendino and Sons, Westville, New Jersey;

(iv) That part of Deptford Township bounded by a line beginning at a point on Delsea Drive 190 feet north of Taras Avenue, running easterly 587 feet, thence northerly 392 feet, thence westerly 619 feet to Delsea Drive, thence southerly on Delsea Drive 200 feet to point of origin, owned by William Lafferty, operated by Thomas Wren;

(v) That part of Washington Township east of Delsea Drive, southwest of Egg Harbor Road, and north of Salina Road;

(vi) That part of Deptford Township bounded by a line beginning at a point on Delsea Drive 58 feet south of Deptford Avenue running westerly 2,313 feet, thence northerly 465 feet, thence easterly 1,787 feet to Deptford Avenue, thence southeasterly 777 feet along Deptford Avenue to Delsea Drive, thence south 58 feet on Delsea Drive to point of origin, owned and operated by Super Brothers;

(vii) That part of Deptford Township bounded by a line beginning at a point on Delsea Drive 450 feet southeast of the intersection of Delsea Drive, Tanyard Road and Egg Harbor Road, running east 1,500 feet, thence south 630 feet, thence west 111 feet to Delsea Drive, thence 588 feet north along Delsea Drive to point of origin, owned and operated by E. R. Bird;

(viii) That part of Deptford Township bounded by a line beginning at a point on Old Turkey Hill Road, 534 feet northeast of the intersection of Turkey Hill Road and Old Turkey Hill Road, running northeast 612 feet, thence north 180 feet, thence southeast 670 feet to Old Turkey Hill Road, thence south on Old Turkey Hill Road 180 feet to point of origin, owned by Vincent Koropha, and operated by William R. Henry;

(ix) That part of Deptford Township bounded on the north by Central Avenue, on the east by Delsea Drive, on the west by Cedar Street, and on the south by a line beginning at a point on Delsea Drive 1,100 feet south of Central Avenue running west to Cedar Street, owned and operated by William C. Henry;

(x) That part of Deptford Township bounded by a line beginning at a point on Delsea Drive 58 feet south of Deptford Avenue, running westerly 2,313 feet, thence southerly 241 feet, thence easterly 635 feet, thence southerly 380 feet, thence easterly 330 feet, thence northerly 800 feet, thence easterly 1,160 feet to Delsea Drive, thence northerly on Delsea Drive to point of origin, owned and operated by Lichtman Brothers, Westville, New Jersey;

(xi) That part of Monroe Township lying south of Corkery Road, west of Bluebell Road, and north and east of Hospitality Branch (Creek);

(xii) That part of Washington Township lying southeast of Ganttown Road, west of Black Horse Pike and Fries Mill Road, and northeast of the Fairview-Cross Keys Road and the Huffville-Cross Keys Road;

(xiii) Lot 23 in Block 233 in Deptford Township, owned by William Ulleg, Jr., and operated by Ulleg Brothers;

(xiv) Lot 8 in Block 86 in Deptford Township, owned and operated by A. Rodney;

(xv) Lot 4 in Block 82, in Deptford Township, owned and operated by Mervyn Galbraith;

(xvi) That part of Deptford Township included within a boundary beginning at a point on the Westville-Almonesson Road 1,006 feet south of the New Jersey Turnpike, running easterly 3,478 feet to Timber Creek, thence southerly 440 feet along Timber Creek, thence westerly 3,467 feet to the Westville-Almonesson Road, thence northerly 420 feet to the point of beginning, owned by Charles A. Bodine and operated by C. D. Bodine;

(xvii) Lot 23 in Block 387, in Deptford Township, owned by Charles Brauninger and operated by William Englehart;

(xviii) Lot 4 in Block 236, in Deptford Township, owned and operated by George Steward, Jr.;

(xix) Lot 7 in Block 417, in Deptford Township, owned and operated by August J. Bitner;

(xx) Lot 6 in Block 417, in Deptford Township, owned by Mary F. Tenuto and operated by James Campo;

(xxi) Lots 5 and 5A in Block 86, in Deptford Township, owned by William Lightman and operated by William R. Henry;

(xxii) Lots 16 and 17 in Block 398, in Deptford Township, owned by James J. Scanlon;

(xxiii) Lot 1 in Block 2, in Deptford Township, owned by Dominick Besogni;

(xxiv) Lot 48 in Block 233, in Deptford Township, owned by J. A. Ross and operated by Robert Shisler;

(xxv) Lots 5A and 6 in Block 2, in Deptford Township, owned and operated by Alex Seder;

(xxvi) Lot 2 in Block 4J, in Deptford Township, owned by Andrew Seder and operated by Ed Seder;

(xxvii) Lots 26 and 27 in Block 387, in Deptford Township, owned and operated by Daniel Kinsley;

(xxviii) Lot 24 in Block 233, in Deptford Township, owned and operated by C. Kolwalus;

(xxix) Lot 2 in Block 4, in Deptford Township, owned and operated by Richard Schofield;

(xxx) Lot 2 in Block 397, in Deptford Township, owned and operated by Sam Villari;

(xxxi) Plots 7, 8, and 9 in Block 199, in Washington Township, owned and operated by Price Brothers;

(xxxii) Plots 10 and 11 in Block 199, in Washington Township, owned and operated by James and Charles Price;

(xxxiii) Lot 36 in Block 187, in Monroe Township, owned and operated by L. Wittje;

(xxxiv) Lot 8A in Block 178, in Monroe Township, owned and operated by Wm. McCloud;

(xxxv) Lot 34 in Block 164, in Monroe Township, owned and operated by C. Harrison;

(xxxvi) East Greenwich Township, Elk Township, Greenwich Township, Harrison Township, Logan Township, South Harrison Township, Washington Township, and Woolwich Township;

(xxxvii) Lot 40A in Block 387 and Lot 25 in Block 233, in Deptford Township, owned and operated by N. G. Polen;

(xxxviii) Lot 5 in Block 82, in Deptford Township, owned by Nick Super and operated by F. Seder;

(xxxix) Lot 17 in Block 397, in Deptford Township, owned by T. Pank, operated by S. Michalanko;

(xxxx) Lot 37 in Block 233, in Deptford Township, owned and operated by Wm. T. Exley;

(xxxxi) Lot 9 in Block 417, in Deptford Township, owned by Ruth Exley, operated by Wm. T. Exley, Jr.;

(xxxxii) Lot 52 in Block 387, in Deptford Township, owned and operated by P. Kline;

(xxxxiii) Lot 25 in Block 398, in Deptford Township, owned and operated by C. Messner;

(xxxxiv) Lots 38 and 39 in Block 233, in Deptford Township, owned by P. McIntyre and F. Lokai, operated by J. McIntyre, N. McIntyre and J. Teasdale;

(xxxxv) Lot 15 in Block 386, in Deptford Township, owned and operated by Wm. & Geo. Stoyko;

(xxxxvi) Lot 12 in Block 4, in Deptford Township, owned and operated by M. Pisker;

(xxxxvii) Lots 43, 44, 45, and 46, in Deptford Township, owned by Pard A. Lattanzi and operated by P. Lattanzi;

(xxxxviii) Lots 9, 10, 11, 12, 13, 14, 15, 16, and 17, in Deptford Township, owned and operated by T. Penk;

(xxxxix) Lot 4 in Block 5, in Deptford Township, owned and operated by J. Martell;

(i) Lot 4 in Block 86, in Deptford Township, owned and operated by W. Land;

(ii) Lot 6 in Block 86, in Deptford Township, owned and operated by Theodore Raditsas;

(iii) Lot 3 in Block 397, in Deptford Township, owned and operated by J. Verdon;

(iiii) Lot 18 in Block 387, in Deptford Township, owned by Jerry Everwine and operated by Dan Everwine;

(lv) Lot 4 in Block 397, in Deptford Township, owned and operated by F. Lumback;

(lv) Lot 8 in Block 417, in Deptford Township, owned and operated by E. Siedel;

(lvi) Lot 9 in Block 386, in Deptford Township, owned and operated by F. Reske;

(lvii) Lot 50 in Block 387, in Deptford Township, owned and operated by J. Feloney;

(lviii) Lot 6 in Block 2, in Deptford Township, owned by Margaret Leslie, operated by J. W. & C. B. Leslie;

(lix) Lot 21 in Block 398, in Deptford Township, owned and operated by H. Stotenberg; and

(lx) Lot 29 in Block 398, in Deptford Township, owned by Elizabeth Mackay and operated by Andrew and James Mackay.

(lxi) Lot 3 in Block 5, in Deptford Township, owned and operated by T. Payne;

(lxii) Lots 2B, 2C, 3, 4, and 5 in Block 152, in Deptford Township, owned and operated by George Holzworth; and

(lxiii) Lot 15 in Block 398, in Deptford Township, owned and operated by Joseph Scanlon.

(lxiv) Lot 41, Block 233, in Deptford Township, owned by William Miller and operated by R. Cormany, Jr.;

(lxv) Lots 4, 4A, and 5A, Block 1, in Deptford Township, owned and operated by L. B. Haines; and

(lxvi) That part of Mantau Township lying south of Jessup Mill Road, east of Edwards Run, and northwest of State Route No. 45.

(lxvii) West Deptford Township;

(lxviii) Lot 9, Block 178, in Monroe Township, owned and operated by William Martin; and

(lxix) Lot 13E, Block 178, in Monroe Township, owned and operated by Thomas Pinkney.

(lxx) That part of Mantua Township lying east of Edwards Run and northwest of State Route No. 45;

(lxxi) Lot 1, Block 178, in Monroe Township, owned by A. S. Bey and operated by William Felder; and

(lxxii) Lot 5, Block 5, in Deptford Township, owned by Sarah Lewis and operated by Lichtman Brothers.

(lxxiii) Mantua Township.

(lxxiv) Lot 32, Block 233, in Deptford Township, owned and operated by William Cormany.

(lxxv) Lot 15, Block 407, in Deptford Township, owned by George Kersey and operated by Joseph Scanlon.

(lxxvi) Lot 12, Block 39, in Deptford Township, owned and operated by Arthur and Hattie Williams.

(lxxvii) Lots 21F and 21GA, Block 68, in Franklin Township, owned and operated by James Hollaway.

(lxxviii) Block 154, Lots 1, 2, 3, and 5, in Deptford Township, owned by William Ulleg, Sr.

(lxxix) Block 1, Lot 5, Plate 1, in Deptford Township, owned and operated by C. A. Bodine.

(lxxx) Plot 4, Lot 11, Plate 2, in Deptford Township, owned and operated by Virgil Louis.

(lxxxi) Block 189, Lot 5, Plot 3, in Monroe Township, owned by Frank Davis and operated by Orville Moore.

(lxxxii) Block 387, Lot 1, Plate 30, in Deptford Township, owned and operated by William Lawrensen.

(lxxxiii) Block 368, Lot 24, Plate 33, in Deptford Township, owned and operated by Hollis Thompson.

(lxxxiv) Block 387, Lot 37, Plate 30, in Deptford Township, owned and operated by William J. Cochrane.

(lxxxv) Block 387, Lot 39, Plate 30, in Deptford Township, owned and operated by Lawrence Hartnett.

(lxxxvi) Block 233, Lot 39, Plate 21, in Deptford Township, owned by Cathren Lokaj and operated by John Tensdale;

(lxxxvii) Block 387, Lot 37A, Plate 30, in Deptford Township, owned and operated by Harry Cockran;

(lxxxviii) Block 178, Lot 18C, Plate 30, in Monroe Township, owned and operated by Emory Kennedy.

(lxxxix) Block 4, Lot 8, Plot 2, in Deptford Township, owned by Vincent Koropha and operated by Charles Messner.

§ 76.28 General restrictions. Swine or swine products referred to in this subpart may not be moved interstate except in accordance with the regulations in this subpart.

§ 76.29 Movement of specially processed swine products. Except as provided in § 76.30, swine products which have been specially processed may be moved interstate without restriction under this subpart.

§ 76.30 Movement of swine and swine products from a non-quarantined area—
(a) **Movement of swine.** (1) Swine which have not been fed any raw garbage may be moved interstate from a non-quarantined area without restriction under this subpart.

(2) Swine which have been fed any raw garbage may be moved interstate under this subpart from a non-quarantined area to a slaughtering establishment specifically approved for the purpose by the Director of the Animal Disease Eradication Division of the Agricultural Research Service for immediate slaughter and special processing at such establishment in a manner approved by the Director as adequate to prevent the spread of disease, if accompanied by a certificate of an inspector of the Agricultural Research Service, showing that the establishment to which the animals are consigned has been specifically approved by the Director, that the inspector has made an inspection of all swine on the premises of origin within 48 hours of the movement interstate, and that the inspection did not disclose any evidence of a contagious, infectious, or communicable disease.

(b) **Movement of swine products.** (1) Swine products produced at an establishment operating under the Meat Inspection Act of March 4, 1907, as amended (34 Stat. 1260; 21 U. S. C. 71 et seq.), in a nonquarantined area, (i) which does not handle any products of swine from a quarantined area or products of swine fed any raw garbage, or (ii) which does handle products of swine from a quarantined area or of swine fed any raw garbage but specially processes such products separate and apart from other swine products, keeps the products properly identified, and otherwise handles the products in a manner approved by the Director of the Animal Disease Eradication Division as adequate to prevent the spread of disease, may be moved interstate from a nonquarantined area without other restriction under this subpart.

(2) Swine products produced at an establishment operating under the Meat Inspection Act of March 4, 1907, as amended, in a non-quarantined area, which handles any products of swine from a quarantined area or of swine fed any raw garbage and does not handle all such products as specified in subparagraph (1) (ii) of this paragraph, may be moved interstate under this subpart if accompanied by a certificate signed by an inspector of the Agricultural Research Service (i) identifying the products to be moved interstate and stating that, insofar as he has been able to determine, such products were derived from swine which were not from a quarantined area and had not been fed any raw garbage, and were handled separate and apart from products of swine from a quarantined area and swine fed any raw garbage, or (ii) identifying the products to be moved interstate and stating that such

products have been handled as specified in subparagraph (1) (ii) of this paragraph.

(c) The Director of the Animal Disease Eradication Division may authorize the movement of swine or swine products, not otherwise authorized by this section, under such conditions as he may prescribe to prevent the spread of the contagion of any contagious, infectious, or communicable disease.

§ 76.31 Movement of swine and swine products from a quarantined area. (a) **Movement of swine:** (1) Swine may be moved interstate under this subpart from a quarantined area to an establishment specifically approved for the purpose by the Director of Division for immediate slaughter and special processing at such establishment if accompanied by a certificate of a veterinarian of the Division or a veterinarian specifically approved for this purpose by the Director of Division, stating that veterinary inspection of such swine on the premises of origin just prior to movement therefrom disclosed no evidence of vesicular exanthema.

(2) Swine, permitted interstate movement under this subpart, which are moved from a non-quarantined area directly to a clean stockyard in a quarantined area, may be moved interstate under this subpart from such stockyard, under conditions prescribed by the Director of Division, directly to an establishment specifically approved for the purpose by said Director for immediate slaughter in a manner approved by said Director as adequate to prevent the spread of vesicular exanthema, but said Director may also require the processing of such swine in a manner approved by him if he finds such processing is necessary to prevent the spread of said disease. The provisions of subparagraph (1) of this paragraph shall not be applicable to such movements.

(b) **Movement of swine products:** (1) Swine products may be moved interstate under this subpart from a quarantined area if such products are moved to an establishment specifically approved for the purpose by the Director of Division for special processing at such establishment and are accompanied by a permit obtained by the owner or shipper from an inspector of the Division.

(2) The following swine products may be moved interstate under this subpart from a quarantined area under such conditions as may be prescribed by the Director of Division to prevent the spread of vesicular exanthema: (i) Swine products which have been processed in the course of normal establishment procedures in a manner approved by said Director as adequate to prevent the spread of vesicular exanthema; (ii) swine products derived from swine, permitted interstate movement under this subpart, which were moved from a non-quarantined area directly to a clean stockyard in a quarantined area and which were slaughtered, immediately upon their removal from such stockyard, at an establishment specifically approved for the purpose by said Director in a manner approved by said Director as adequate to prevent the spread of vesicular exanthema, and, if required by said Direc-

tor, processed in a manner approved by him; (iii) swine products derived from swine, permitted interstate movement under this subpart, which were moved from a non-quarantined area directly to a slaughtering establishment in a quarantined area and there slaughtered immediately upon arrival, under conditions approved by said Director. The provisions of subparagraph (1) of this paragraph shall not be applicable to such movements.

(c) The Director of Division may authorize the movement of swine and swine products from a quarantined area, not otherwise authorized by this section, under such conditions as he may prescribe to prevent the spread of vesicular exanthema.

(d) Swine and swine products in transit between points in non-quarantined areas through any quarantined area shall not be deemed to be moved from the quarantined area under this section.

§ 76.32 Movement of swine and swine products through a quarantined area. Swine or swine products which are moved interstate in transit between points in non-quarantined areas through any quarantined area shall not be unloaded in any quarantined area unless all facilities to be used therein in connection with the unloading have been approved for such purpose by the Division and have been cleaned and disinfected before such use in a manner approved by the Division and under the supervision of a person authorized for the purpose by the Division.

§ 76.33 Movement of swine and swine products which have been exposed to or affected with vesicular exanthema. Swine which have been exposed to or have been affected with vesicular exanthema, and swine products derived from such swine, moved interstate to an establishment for slaughter and special processing, or for special processing, as the case may be, shall be moved under division seals or accompanied by a representative of the Division or a person specifically authorized for the purpose by the Director of Division.

§ 76.34 Special processing of swine products. All swine products required under the regulations in this subpart to be specially processed shall be heated throughout according to the following schedules:

(a) Boneless swine products shall be heated to an internal temperature of at least 156° F. momentarily, or to an internal temperature of at least 145° F. for 15 minutes.

(b) Swine products containing bone shall be heated to an internal temperature of at least 156° F. for 15 minutes.

§ 76.35 Cleaning and disinfecting vehicles and facilities. (a) Railroad cars, boats, trucks, and other vehicles, and their equipment, and all other facilities, including facilities for receiving, shipping, loading, unloading, and delivering swine and for feeding, watering and resting swine, which are used in connection with the interstate movement of swine shall be kept clean.

(b) The Director of the Animal Disease Eradication Division may require

the thorough cleaning and disinfecting of any vehicle or facility which has been used in connection with the interstate movement of any swine which have been fed any raw garbage or swine products derived from such swine, or swine infected with or exposed to vesicular exanthema or which the Director has reason to believe may have been so infected or exposed, when he determines that such cleaning and disinfecting are necessary to guard against the spread of disease.

(c) The carrier shall be responsible for having all railroad cars, boats, trucks, and other vehicles, and their equipment, cleaned and disinfected as required under this section, and the owner of other facilities shall be responsible for having such facilities cleaned and disinfected as required under this section.

(d) The cleaning and disinfecting required by this section shall be done without expense to the Division.

(e) The following prescribed method of cleaning and disinfecting railroad cars, boats, trucks, and other vehicles and their equipment shall be used: Remove all litter, feed, and manure from all portions of each car, boat, truck, or other vehicle including all ledges and framework outside, and handle such litter, feed, and manure in such manner as not to expose livestock to any disease contained therein; clean the interior and the exterior of each such vehicle and its equipment; saturate the entire interior surface including all doors, endgates, portable chutes, and similar equipment with one of the disinfectants prescribed in § 76.37. The following prescribed method of cleaning and disinfecting of other facilities shall be used: Empty all troughs, racks, and other feeding and watering appliances; remove all litter, feed, and manure from the floors, posts, or other parts, and handle such litter, feed, and manure in such manner as not to expose livestock to any disease contained therein; saturate the entire surface of the fencing, troughs, chutes, floors, walls, and all other parts with one of the disinfectants prescribed in § 76.37.

§ 76.36 Cleaning and disinfecting public stockyards. (a) The Director of the Animal Disease Eradication Division may require the thorough cleaning and disinfecting of any public stockyard, or any portion thereof, which has been used in the handling of swine which have been fed any raw garbage, or of swine infected with or exposed to vesicular exanthema or which the Director has reason to believe may have been so infected or exposed, when he determines that such cleaning and disinfecting are necessary to guard against the spread of disease. Any stockyard, or portion thereof, so required to be cleaned and disinfected shall not be used in handling swine until after the cleaning and disinfecting have been completed. Such cleaning and disinfecting shall be done without expense to the Division, except as provided under the provisions of Part 53 of this chapter.

(b) The following prescribed method of cleaning and disinfecting shall be used: Empty all troughs, racks, and other feeding and watering appliances;

remove all litter, feed, and manure from the floors, posts, and other parts, and handle such litter, feed, and manure in such manner as not to expose livestock to any disease contained therein; and saturate the entire surface of the fencing, troughs, chutes, floors, walls, and all other parts with one of the disinfectants prescribed in § 76.37.

§ 76.37 Disinfectants to be used. The disinfections required under the regulations in this subpart shall be performed with one of the following:

(a) Soda ash (sodium carbonate) used at the rate of one pound to three gallons of water.

(b) Sal soda used at the rate of 13½ ounces to one gallon of water.

(c) Lye (sodium hydroxide) used at the rate of 13 ounces to five gallons of water. (Due to the extreme caustic nature of sodium hydroxide solution, precautionary measures such as the wearing of rubber gloves and boots to protect the hands and feet, and goggles to protect the eyes, should be taken by those engaged on the disinfection job. It is also advisable to have an acid solution, such as vinegar, in readiness in case any of the sodium hydroxide solution should come in contact with any part of the body.)

PART 77—TUBERCULOSIS IN CATTLE

TO PREVENT THE SPREAD OF TUBERCULOSIS IN CATTLE

Sec.

77.1 Interstate movement permitted on compliance conditions and requirements.

MODIFIED ACCREDITED AREAS

77.2 Interstate movement of certain classes of cattle permitted on compliance conditions.

77.3 What constitutes modified accredited area.

NON-MODIFIED ACCREDITED AREAS

77.4 Interstate shipments from non-modified accredited areas prohibited.

77.5 What constitutes non-modified accredited area.

77.6 Conditions under which interstate shipments from non-modified accredited areas permitted.

77.7 Interstate shipments from non-modified accredited areas; when permitted.

SHIPMENTS OF TUBERCULOUS CATTLE FOR SLAUGHTER

77.8 Interstate shipments of tuberculous cattle for slaughter; when permitted.

AUTHORITY: §§ 77.1 to 77.8 issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended, 41 Stat. 699; 21 U. S. C. 111-113, 116, 120, 121. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended; 21 U. S. C. 115, 117.

TO PREVENT THE SPREAD OF TUBERCULOSIS IN CATTLE

§ 77.1 Interstate movement permitted on compliance conditions and requirements. Subject to the provisions of § 71.3 of this subchapter, cattle of the classes described in §§ 77.2-77.8, may be shipped, driven on foot, transported, and received for the transportation interstate, upon compliance with the conditions and requirements set forth respectively in said §§ 77.2-77.8.

MODIFIED ACCREDITED AREAS

§ 77.2 *Interstate movements of certain classes of cattle permitted on compliance conditions.* Shipments from modified accredited areas.¹ Cattle of the following classes originating in a modified accredited area may be moved interstate, provided the following requirements are strictly complied with, to wit:

(a) *Cattle for dairy and breeding purposes.* Cattle for dairy and breeding purposes when accompanied by a certificate² issued by an authorized State or Federal inspector or by a veterinarian approved by the Division and State, showing the cattle to have originated in such modified accredited area.

(b) *Cattle under State quarantine.* Cattle in herds under State quarantine and those in previously infected herds that have not passed two negative tests applied at 60-day intervals shall be moved interstate in accordance with the provisions of §§ 77.4-77.7.

(c) *Shipments to public stockyards.* Cattle when consigned to a public stockyard.

§ 77.3 *What constitutes modified accredited area.* A modified accredited area³ is a county or other political sub-

¹ The regulations of the State of destination should be consulted before shipments are made from modified accredited areas.

² There shall be recorded on the face of this certificate the number of cattle, breed, sex, and approximate age of the animals presented for shipment, date and place of issuance, destination, and name or names of the consignee and consignor. One copy of the certificate shall accompany the shipment, one copy shall be mailed to the livestock sanitary official of the State from which the shipment is made, one copy shall be mailed to the livestock sanitary official of the State of destination, and one copy mailed to the Animal Disease Eradication Division, Washington 25, D. C.

³ Enumeration of all modified accredited areas is contained in the following described documents (available on application to the Department):

Declaration No. 11, July 1, 1936; 1 F. R. 1993.

Amendment No. 1 to Declaration No. 11, August 1, 1936; 1 F. R. 1990.

Amendment No. 2 to Declaration No. 11, September 1, 1936; 1 F. R. 1990.

Declaration No. 12, October 1, 1936; 1 F. R. 2024.

Amendment No. 1 to Declaration No. 12, November 2, 1936; 1 F. R. 2024.

Amendment No. 2 to Declaration No. 12, December 1, 1936; 1 F. R. 2132.

Amendment No. 3 to Declaration No. 12, January 4, 1937; 2 F. R. 54.

Amendment No. 4 to Declaration No. 12, February 1, 1937; 2 F. R. 325.

Amendment No. 5 to Declaration No. 12, March 1, 1937; 2 F. R. 528.

Amendment No. 6 to Declaration No. 12, April 1, 1937; 2 F. R. 668.

Amendment No. 7 to Declaration No. 12, May 1, 1937; 2 F. R. 811.

Amendment No. 8 to Declaration No. 12, June 1, 1937; 2 F. R. 999.

Amendment No. 9 to Declaration No. 12, July 1, 1937; 2 F. R. 1246.

Amendment No. 10 to Declaration No. 12, August 2, 1937; 2 F. R. 1388.

Amendment No. 11 to Declaration No. 12, September 1, 1937; 2 F. R. 1834.

Amendment No. 12 to Declaration No. 12, October 1, 1937; 2 F. R. 2181.

Amendment No. 13 to Declaration No. 12, November 1, 1937; 2 F. R. 2447.

division, or a portion thereof, in which the percentage of bovine tuberculosis is less than one-half of 1 percent and has been so declared by the Director of the Division.

NONMODIFIED ACCREDITED AREAS

§ 77.4 *Interstate shipments from non-modified accredited areas prohibited.* No cattle originating in a nonmodified accredited area⁴ shall be shipped, driven on foot, transported, or received for transportation interstate except as provided in §§ 77.7, 77.8, unless and until such cattle have been subjected to a physical examination and tuberculin test, applied as directed in § 77.6, and a tuberculin-test chart and health certificate, showing them to be apparently free from tuberculosis and any other contagious, infectious, or communicable disease of animals, has been issued and the requirements of § 77.16 of this subchapter are fully complied with.

§ 77.5 *What constitutes non-modified accredited area.* A non-modified accredited area is one which has not met the requirements for a modified accredited area.

§ 77.6 *Conditions under which interstate shipments from non-modified accredited areas permitted.* The physical examination, tuberculin test, and health certificate and tuberculin-test chart required by § 77.4 shall be made, applied, and issued within 30 days prior to the shipping, driving on foot, transporting, or receiving for transportation, either by a veterinarian of the State of origin who shall have been authorized by such State and approved by the Division to apply the test, make the examination, and issue the certificate and test chart, or by a veterinarian employed by the Division at a public stockyard or other regular Division station.⁵ *Provided, however,* That if any animals in a lot of cattle tuberculin tested react, the remainder of

Amendment No. 14 to Declaration No. 12, December 1, 1937; 2 F. R. 2754.

Amendment No. 15 to Declaration No. 12, January 3, 1938; 3 F. R. 85.

Amendment No. 16 to Declaration No. 12, February 1, 1938; 3 F. R. 348.

Amendment No. 17 to Declaration No. 12, March 1, 1938; 3 F. R. 571.

Amendment No. 18 to Declaration No. 12, April 1, 1938; 3 F. R. 737.

Amendment No. 19 to Declaration No. 12, May 2, 1938; 3 F. R. 915.

Amendment No. 20 to Declaration No. 12, June 1, 1938; 3 F. R. 1382 (DI).

⁴ See § 77.5.

⁵ When the cattle are tested by a veterinarian other than a Division inspector the original and one copy of the tuberculin-test chart and health certificate shall be sent to the livestock sanitary official of the State from which the cattle are to be shipped or moved for approval by him (except when the test is applied at a public stockyard where Federal inspection is maintained the inspector in charge may approve the certificate), whereupon the original copy shall be forwarded to the Division, one copy of the test chart and health certificate shall be sent to the proper livestock sanitary official of the State of destination in ample time to reach him before the arrival of the cattle at destination, and one copy of the test chart and health certificate shall accompany the cattle to destination.

the lot shall not be shipped interstate, except for immediate slaughter, without a proper retest: *And provided further,* That all cattle not identified by registration name and number shall be identified by a metal ear tag.

§ 77.7 *Interstate shipments from non-modified accredited areas; when permitted.* Cattle of the classes described in paragraphs (a), (b), and (c), originating in non-modified accredited areas, may be shipped, driven on foot, transported, and received for transportation interstate, without compliance with the provisions of §§ 77.4-77.6.

(a) *Accredited herds.* Cattle from a herd accredited by the Division, in cooperation with the various States, as free from tuberculosis when accompanied by a certificate issued by an authorized State or Federal inspector or by a veterinarian approved by the Division and State, showing the cattle to be from such a herd.

(b) *Slaughter cattle.* Cattle for immediate slaughter when consigned to a place where Division or State meat inspection is maintained or to a place designated by the proper State livestock sanitary official of the State of destination.

(c) *Shipments to public stockyards.* Cattle when consigned to a public stockyard that has pens placarded "Cattle from non-modified accredited area" set aside for the reception of such cattle.

SHIPMENT OF TUBERCULOUS CATTLE FOR SLAUGHTER

§ 77.8 *Interstate shipments of tuberculous cattle for slaughter; when permitted.* Cattle which have reacted to the tuberculin test may be shipped, transported, received for transportation, or otherwise moved interstate for immediate slaughter to an establishment or public stockyard where Federal inspection is maintained under the provisions of the act of March 4, 1907 (34 Stat. 1260), upon compliance with the following conditions:

(a) The cattle shall be marked for identification by branding the letter "T" on the left jaw, not less than 2 nor more than 3 inches high, and attaching to the left ear a metal tag bearing a serial number and the inscription "U. S. B. A. I. Reacted" or a similar State reactor tag.

(b) The cattle shall be accompanied to destination by a certificate issued by a Division inspector or a regularly employed State inspector engaged in cooperative tuberculosis-eradication work, showing (1) that the cattle have reacted to the tuberculin test, (2) that they may be moved interstate, and (3) the purpose for which they are moved.

(c) The cattle so moved shall be slaughtered under Federal inspection.

(d) The transportation companies shall plainly write or stamp upon the face of each of the waybills, conductors' manifests, and memoranda pertaining to such shipments the words "Tuberculous Cattle" and a statement to the effect that the car, or compartment of the boat in which the cattle have been transported is to be cleaned and disinfected.

(e) The car or the compartment of the boat in which tuberculous cattle have

been transported interstate shall be cleaned and disinfected under Division supervision by the final carrier at destination in accordance with §§ 71.4-71.12 of this subchapter.

(f) The cattle shall not be shipped or transported in cars or in compartments of boats containing healthy cattle or hogs unless all the animals are for immediate slaughter or unless the tuberculous cattle are separated from the other animals by a partition which shall be securely affixed to the walls of the car or boat.

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

Subpart A—General Provisions

- Sec. 78.1 Definitions.
78.2 Notice relating to existence of brucellosis.
78.3 Certificates pertaining to movement of animals.

Subpart B—Domestic Animals Affected With Brucellosis

- 78.4 General restriction.
78.5 Movement of brucellosis reactors.
78.6 Reshipment of purebred brucellosis reactors.
78.7 Marking of records.
78.8 Cleaning and disinfecting vehicles.
78.9 Segregation of brucellosis reactors en route interstate.

Subpart C—Restrictions on Movement of Cattle Because of Brucellosis

- 78.10 General restriction.
78.11 Movement of brucellosis reactor cattle.
78.12 Movement of cattle not known to be affected with brucellosis.

Subpart D—Designation of Modified Certified Brucellosis-Free Areas, Public Stockyards, and Slaughtering Establishments

- 78.13 Modified certified brucellosis-free areas.
78.14 Public stockyards.
78.15 Slaughtering establishments.
78.16 Director of Division may designate areas and approve stockyards and slaughtering establishments.

AUTHORITY: §§ 78.1 to 78.16 issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U. S. C. 111-113, 114a-1, 120, 121, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended; 21 U. S. C. 115, 117.

CROSS REFERENCE: For regulations governing paratuberculosis in domestic animals, see Part 80 of this chapter.

SUBPART A—GENERAL PROVISIONS

§ 78.1 *Definitions.* As used in this part, the following terms shall have the meanings set forth in this section except as otherwise clearly indicated.

(a) *Brucellosis.* The infectious and communicable disease of domestic animals commonly known as Bang's disease, abortion disease, contagious abortion, and brucellosis.

(b) *Division.* The Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture.

(c) *Director of Division.* The Director of the Division, or any other official of the Division to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) *State.* Any State, Territory, or the District of Columbia.

(e) *Interstate.* From one State to any other State.

(f) *Person.* Any person, company, or corporation.

(g) *Moved.* Shipped, transported or otherwise moved, or delivered or received for movement, by any person.

(h) *Certified brucellosis-free herd.* A herd of cattle officially declared by the Division and a State as free from brucellosis and such declaration being evidenced by a currently effective certificate issued jointly by the Division and such State.

(i) *Modified certified brucellosis-free area.* A State, or a political subdivision or portion thereof, in which the percentage of cattle affected with brucellosis has been determined by the Agricultural Research Service, United States Department of Agriculture, not to exceed one percent and the percentage of herds in which brucellosis is present has been determined by such Service not to exceed five percent, and which maintains that status in accordance with provisions of the "Uniform Methods and Rules for the Establishment and Maintenance of Certified Brucellosis-free Herds of Cattle and Modified Certified Areas", which are adopted by the United States Livestock Sanitary Association, and approved by the Division. Copies of such Uniform Methods and Rules are available at the Washington, D. C., office of the Division (Such areas are specified in § 78.13.)

(j) *Official vaccinate.* A bovine animal vaccinated against brucellosis while from 4 through 8 months of age, on or before June 30, 1957, or a bovine animal of a beef breed in a range or semi-range area vaccinated against brucellosis while from 4 to 12 months of age, on or before June 30, 1957, under the supervision of a Federal or State veterinary official, with a vaccine approved by the Division; or a bovine animal vaccinated against brucellosis while from 4 through 8 months of age, subcutaneously, on or after July 1, 1957, or a bovine animal of a beef breed in a range or semi-range area vaccinated against brucellosis while from 4 to 12 months of age, subcutaneously, on or after July 1, 1957, under the supervision of a Federal or State veterinary official, with 5 cc. of a vaccine approved by the Division; permanently identified as such a vaccinate; and reported at the time of vaccination to the appropriate State or Federal agency cooperating in the eradication of brucellosis.

(k) *Public stockyard.* A stockyard designated in § 78.14 (a) where trading in livestock is carried on, where yarding, feeding, and watering facilities are provided by the stockyard, transportation, or similar company, and where Federal inspection is maintained for the inspection of livestock for communicable diseases; or a stockyard specifically approved under § 78.14 (b) for the purposes of the regulations in this part.

(l) *Federal inspector.* An inspector of the Agricultural Research Service, United States Department of Agriculture, responsible for the performance of the function involved.

(m) *State inspector.* An inspector regularly employed in livestock sanitary

work of a State or a political subdivision thereof, and who is authorized by such State or political subdivision to perform the function involved.

(n) *Accredited veterinarian.* A veterinarian approved by the United States Department of Agriculture to perform the function involved.

§ 78.2 *Notice relating to existence of brucellosis.* On June 5, 1952, the Secretary of Agriculture issued a notice that the contagion of brucellosis exists in domestic animals in each State of the Continental United States and in Puerto Rico, Alaska, and Hawaii (17 F. R. 5260).

§ 78.3 *Certificates pertaining to movement of animals.* (a) Whenever the regulations in this part require a certificate in connection with the movement of animals and the animals are moved by a transportation agency issuing waybills or other forms of billing covering the movement, the certificate shall be delivered to such transportation agency by the shipper at the time the animals are delivered for shipment; shall become the property of the transportation agency; shall be attached to the billing by the transportation agency; shall accompany such billing to the destination of the animals; and shall be filed with such billing for future reference.

(b) Whenever the regulations in this part require a certificate in connection with the movement of animals and the animals are moved by a transportation agency not issuing waybills or other forms of billing, or moved by any other means, the certificate shall accompany the animals to their destination and be delivered to the consignee, or, in case the consignor and the consignee are the same person, to the first person purchasing during or after such movement, or to the person to whom the animals are delivered.

(c) The person issuing a certificate required for the interstate movement of cattle under paragraphs (d) or (e) of § 78.12 shall forward a copy thereof to the proper livestock sanitary official of the State of destination of the cattle.

SUBPART B—DOMESTIC ANIMALS AFFECTED WITH BRUCELLOSIS

§ 78.4 *General restriction.* Domestic animals affected with brucellosis may not be moved interstate except in compliance with the regulations in this subpart.

§ 78.5 *Movement of brucellosis reactors.* Domestic animals which have reacted to a test recognized by the Secretary of Agriculture for brucellosis may be moved interstate under this subpart for immediate slaughter direct to a slaughtering establishment operating under the provisions of the Meat Inspection Act of March 4, 1907 (34 Stat. 1260; 21 U. S. C. 71 et seq.), or a slaughtering establishment specifically approved under § 78.15 (b) for the purpose, or to a public stockyard for sale to such a slaughtering establishment, in accordance with the following requirements:

(a) Cattle which reacted to such a test shall be marked for identification by branding the letter "B" on the left jaw in letters not less than 2 nor more than 3 inches high, and attaching to the left

ear a metal tag bearing a serial number and the inscription "U. S. B. A. I. Reacted," or "U. S. Reacted," or a similar State reactor tag. Such a metal tag, affixed to the left ear, shall be sufficient identification for reactors other than cattle.

(b) The reactors shall be accompanied to destination, in accordance with § 78.3, by a certificate issued by a Federal or State inspector or an accredited veterinarian showing: (1) That the animals have reacted to a test recognized by the Secretary of Agriculture for brucellosis; (2) the reactor tag number of each animal and the name of the owner of such animal when it was tested for brucellosis; (3) that the animals may be moved interstate; (4) the destination to which they are to be moved; and (5) the purpose for which they are to be moved.

§ 78.6 *Reshipment of purebred brucellosis reactors.* Purebred animals which have been moved interstate for breeding purposes, and which, subsequent to such movement, have reacted to a test recognized by the Secretary of Agriculture for brucellosis, may be reshipped interstate under this Subpart for purposes other than immediate slaughter in accordance with the requirements set forth in paragraphs (a) and (b) of § 78.5 and with the following additional requirements:

(a) The reactors shall be returned to the point of origin, consigned to the original owner.

(b) Test charts for the original test and any subsequent retest, showing that such tests were properly conducted, shall be submitted for examination to the person who issues the certificate required by § 78.5 (b).

(c) The reactors shall not be shipped to any State without specific provision by the appropriate livestock sanitary official thereof for the segregation or quarantine of such reactors until their death by slaughter or from natural causes.

(d) The reactors, after return to the point of origin, shall not again be moved interstate except for immediate slaughter in accordance with the provisions of § 78.5.

§ 78.7 *Marking of records.* Each transportation agency moving brucellosis reactors in the course of their interstate movement shall plainly write or stamp upon the face of each waybill, conductor's manifest, switch order, vehicle interchange record, and similar record, which it prepares in connection with such movement, the words "Brucellosis Reactors" and a statement to the effect that the railroad car, boat, truck, or other vehicle, in which the animals are transported is to be cleaned and disinfected.

§ 78.8 *Cleaning and disinfecting vehicles.* (a) Each railroad car, boat, truck, or other vehicle, in which brucellosis reactors are transported interstate shall be cleaned and disinfected in accordance with the provisions of §§ 71.4, 71.7, 71.9, 71.10, and 71.11 of this subchapter: *Provided, however,* That such vehicles may be cleaned and disinfected under the supervision of a Federal or State inspector or an accredited veterinarian: *And provided, further,* That if

such supervision or proper cleaning and disinfecting facilities are not available at the point where the animals are unloaded, upon permission first received from the Division, the vehicle may be forwarded empty to a point at which such supervision and facilities are available and there be cleaned and disinfected.

(b) Each railroad car, boat, truck, or other vehicle, from which brucellosis reactors moved interstate are transferred en route to destination, shall be cleaned and disinfected, by the transportation agency delivering the vehicle to such point of transfer, under the supervision of a Federal or State inspector or an accredited veterinarian, immediately after unloading of the animals and before being moved from such point of transfer, in accordance with the provisions of §§ 71.9 through 71.11 of this subchapter: *Provided, however,* That if such supervision or proper cleaning and disinfecting facilities are not available at such point of transfer, upon permission first secured from the Division, the vehicle may be forwarded empty to a point at which such supervision and facilities are available and there be cleaned and disinfected.

§ 78.9 *Segregation of brucellosis reactors en route interstate.* Brucellosis reactors shall not be moved interstate in a railroad car, boat, truck, or other vehicle, containing healthy animals susceptible to brucellosis unless all of the animals are for immediate slaughter, or unless the reactors are kept separate from the other animals by a partition securely affixed to the sides of the vehicle.

SUBPART C—RESTRICTIONS ON MOVEMENT OF CATTLE BECAUSE OF BRUCELLOSIS

§ 78.10 *General restriction.* Cattle may not be moved interstate except as provided in the regulations in this subpart.

§ 78.11 *Movement of brucellosis reactor cattle.* Cattle which have reacted to a test recognized by the Secretary of Agriculture for brucellosis may be moved interstate in accordance with the regulations in Subpart B of this part.

§ 78.12 *Movement of cattle not known to be affected with brucellosis*—(a) *Movement of steers, spayed heifers, and calves under 8 months of age.* Steers and spayed heifers and calves under 8 months of age, not known to be affected with brucellosis, may be moved interstate without restriction under this subpart.

(b) *Movement of cattle for immediate slaughter.* Cattle, not known to be affected with brucellosis, may be moved interstate under this subpart for immediate slaughter direct to a slaughtering establishment operating under the provisions of the Meat Inspection Act of March 4, 1907 (34 Stat. 1260; 21 U. S. C. 71 et seq.), or a slaughtering establishment specifically approved under § 78.15 (b) for the purpose, or to a public stockyard for sale to such a slaughtering establishment, if accompanied by a way-

bill or similar document, or a certificate signed by the owner or shipper of the cattle, stating: (1) The destination of the animals; (2) the purpose for which they are to be moved; (3) the number of animals covered by the waybill or similar document or certificate; (4) the point from which the animals are moved interstate; and (5) the name and address of the owner or shipper.

(c) *Movement of cattle to public stockyards.* Cattle, not known to be affected with brucellosis, may be moved interstate direct to a public stockyard without compliance with the other provisions of this section, if accompanied by a waybill or similar document, or a certificate signed by the owner or shipper of the cattle, stating: (1) The destination of the animals; (2) the purpose for which they are to be moved; (3) the number of animals covered by the waybill or similar document or certificate; (4) the point from which the animals are moved interstate; and (5) the name and address of the owner or shipper: *Provided, however,* That the movement of said cattle from such stockyard to another destination must comply with the provisions of this part the same as if the cattle had been originally consigned direct from the point of origin to such destination.

(d) *Movement of cattle into areas not certified as modified brucellosis-free areas.* Cattle of the following classes, not known to be affected with brucellosis, may be moved interstate under this subpart, except into the modified certified brucellosis-free areas specified in § 78.13, if accompanied by a certificate issued by a Federal or State inspector or an accredited veterinarian showing the name and address of the consignor and consignee, the identification tag number, tattoo, or registration number of each animal or other proper identification, and showing the specific class in which the cattle fall:

(1) Cattle originating in certified brucellosis-free herds;

(2) Cattle originating in the modified certified brucellosis-free areas specified in § 78.13;

(3) Cattle which are official vaccinates under 30 months of age at the time of interstate movement;

(4) Cattle, which are official vaccinates over 30 months of age at the time of movement interstate; which have been subjected to a test, recognized by the Secretary of Agriculture for brucellosis, under the supervision of a Federal or State veterinary official, within 30 days prior to the interstate movement and found not to disclose a reaction exceeding incomplete agglutination in a dilution of 1:100; and which are moved interstate under a permit from the appropriate livestock sanitary official of the State of destination;

(5) Cattle which have been subjected to a test, recognized by the Secretary of Agriculture for brucellosis under the supervision of a Federal or State veterinary official, within 30 days prior to the date of movement interstate and found negative; and

(6) Bulls and female cattle of the beef type moved interstate, for feeding or grazing purposes only, to a State which

¹In each instance, the regulations of the State of destination should be consulted before interstate shipments are made.

has laws, rules, or regulations, which provide for the segregation or quarantine of such cattle brought into the State, and under a permit from the appropriate livestock sanitary official of such State of destination.

(e) *Movement of cattle into modified certified brucellosis-free areas.* Cattle of the following classes, not known to be affected with brucellosis, may be moved interstate under this subpart into the modified certified brucellosis-free areas specified in § 78.13, if accompanied by a certificate issued by a Federal or State inspector or an accredited veterinarian showing the name and address of the consignor and consignee, the identification tag, tattoo, or registration number of each animal or other proper identification, and showing the specific class in which the cattle fall:

(1) Cattle originating in certified brucellosis-free herds;

(2) Cattle originating in the modified certified brucellosis-free areas specified in § 78.13;

(3) Cattle which are official vaccinates under 30 months of age at the time of interstate movement, and which are moved interstate under a permit from the appropriate livestock sanitary official of the State of destination;

(4) Cattle which are official vaccinates over 30 months of age at the time of movement interstate; which have been subjected to a test, recognized by the Secretary of Agriculture for brucellosis, under the supervision of a Federal or State veterinary official, after 30 months of age and found not to disclose a reaction exceeding incomplete agglutination in a dilution of 1:100; and which are moved interstate under a permit from the appropriate livestock sanitary official of the State of destination to be maintained in quarantine in such State until they are negative to another such test or until their death by slaughter or from natural causes;

(5) Cattle which have been subjected to a blood agglutination test, recognized by the Secretary of Agriculture for brucellosis, under the supervision of a Federal or State veterinary official, within 30 days prior to the date of movement interstate and found negative, and which are moved interstate under a permit from the appropriate livestock sanitary official of the State of destination to be maintained in quarantine in such State separate from other cattle until they are negative to another such test administered not less than 30 days after the date of the interstate movement or until their death by slaughter or from natural causes;

(6) Cattle from herds, under Federal-State supervision for the control of brucellosis, in which all animals, required to be tested, over eight months of age, except official vaccinates under thirty months of age, have been subjected to a blood agglutination test, recognized by the Secretary of Agriculture for brucellosis, under the supervision of a Federal or State veterinary official, within 90 days prior to the date of movement interstate and found negative; the individual animals to be moved interstate having been subjected to another such test at least 30 days from the date of

the previous herd test and within 30 days prior to the date of movement interstate and found negative; and

(7) Bulls and female cattle of the beef type moved interstate, for feeding or grazing purposes only, to a State which has laws, rules, or regulations, which provide for the segregation or quarantine of such cattle brought into the State, and under a permit from the appropriate livestock sanitary official of such State of destination.

(f) *Other movements.* The Director of Division may provide for the movement, not otherwise provided for in this section, of cattle, not known to have reacted to a test for brucellosis, under such conditions as he may prescribe to prevent the spread of brucellosis. The Director of Division will promptly notify the appropriate livestock sanitary officials of the States involved of any such action.

SUBPART D—DESIGNATION OF MODIFIED CERTIFIED BRUCELLOSIS-FREE AREAS, PUBLIC STOCKYARDS, AND SLAUGHTERING ESTABLISHMENTS

§ 78.13 *Modified certified brucellosis-free areas.* The following States, counties, municipalities, and other areas, are hereby designated as modified certified brucellosis-free areas:

- (a) The entire State of Connecticut;
- (b) The entire State of Delaware;
- (c) The entire State of Maine;
- (d) The entire State of Michigan;
- (e) The entire State of Minnesota;
- (f) The entire State of New Hampshire;
- (g) The entire State of New Jersey;
- (h) The entire State of New Mexico;
- (i) The entire State of North Carolina;
- (j) The entire State of Pennsylvania;
- (k) The entire Commonwealth of Puerto Rico;

- (l) The entire State of Rhode Island;
- (m) The entire State of Utah;
- (n) The entire State of Vermont;
- (o) The entire State of Washington;
- (p) The entire State of Wisconsin;
- (q) Alabama: Cherokee, De Kalb, and Etowah Counties;

- (r) Arizona: Apache, Cochise, Coconino, Gila, Graham, Greenlee, Mohave, Navajo, Pima, Pinal, Santa Cruz, Yavapai and Yuma Counties; Arizona Strip in Mohave and Coconino Counties, and Gila Indian Reservation, Hopi Indian Reservation, and Navajo Indian Reservation;

- (s) Arkansas: Baxter, Benton, Boone, Carroll, Clark, Columbia, Fulton, Garland, Grant, Hot Spring, Hempstead, Izard, Lafayette, Madison, Marion, Nevada, Newton, Saline, Searcy, Sharp and Stone Counties;

- (t) California: Alpine, Del Norte, and Mono Counties;

- (u) Colorado: Alamosa, Archuleta, Conejos, Costilla, Dolores, Gunnison, La Plata, Mesa, Montezuma, Montrose, Ouray, Rio Grande, Saguache, San Juan, and San Miguel Counties; Southern Indian Ute Reservation, and Ute Mountain Ute Reservation;

- (v) Florida: Bay, Calhoun, Dixie, Escambia, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Taylor, Leon, Liberty,

Madison, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties;

(w) Georgia: Appling, Atkinson, Bacon, Baldwin, Banks, Barrow, Ben Hill, Berrien, Brantley, Bryan, Bullock, Burke, Butts, Candler, Chattahoochee, Chattooga, Cherokee, Clarke, Clay, Clayton, Coffee, Colquitt, Columbia, Cook, Crawford, Dawson, Dodge, Douglas, Elbert, Evans, Fannin, Forsyth, Franklin, Glascock, Glynn, Gordon, Gwinnett, Habersham, Hart, Hall, Heard, Irwin, Jackson, Jeff Davis, Jenkins, Johnson, Jones, Lamar, Laurens, Liberty, Long, Lumpkin, Madison, Marion, Monroe, Montgomery, Oconee, Oglethorpe, Pauldings, Peach, Pickens, Pierce, Quitman, Rabun, Rockdale, Schley, Spalding, Stephens, Talbot, Taylor, Tift, Toombs, Towns, Treutlen, Turner, Union, Upson, Walker, Warren, Washington, Wayne, Webster, Wheeler, White, Wilcox and Wilkinson Counties;

(x) Idaho: Benewah, Blaine, Bonner, Boundary, Butte, Camas, Clark, Clearwater, Custer, Elmore, Gooding, Jerome, Kootenai, Latah, Lemhi, Lewis, Lincoln, Minidoka, Nez Perce, Owyhee, Power, Shoshone, Teton, Valley and Washington Counties; and Fort Hill Indian Reservation;

(y) Illinois: Boone, Clay, Clinton, Cook, Cumberland, De Kalb, Edgar, Effingham, Ford, Grundy, Kane, Kankakee, Kendall, Lake, La Salle, Livingston, Macon, Perry, Stephenson, Vermilion, Wabash, Will and Winnebago Counties;

(z) Indiana: Adams, Allen, Blackford, Brown, Clark, Clay, Crawford, Daviess, Dearborn, Decatur, De Kalb, Delaware, Dubois, Elkhart, Fulton, Floyd, Grant, Harrison, Huntington, Jay, Lake, La Porte, Madison, Marion, Marshall, Martin, Noble, Orange, Parke, Perry, Pike, Porter, Posey, Pulaski, Randolph, St. Joseph, Steuben, Spencer, Starke, Sullivan, Vanderburgh, Vermillion, Wabash, Warrick, Wells, and Whitley Counties;

(aa) Kentucky: Calloway, Elliott, Graves, Greenup, Lawrence, Rowan, Trigg, and Wolfe Counties;

(bb) Louisiana: Claiborne Parish;

(cc) Maryland: Allegany, Calvert, Caroline, Carroll, Cecil, Dorchester, Frederick, Garrett, Harford, Howard, Kent, Montgomery, Prince Georges, Queen Annes, Somerset, Talbot, Washington, Wicomico, and Worcester Counties;

(dd) Massachusetts: Barnstable, Berkshire, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket, and Suffolk Counties;

(ee) Mississippi: Alcorn, Choctaw, George, Hancock, Itawamba, Jackson, Lee, Perry, Pike, Prentiss, Smith, Tippah, Tishomingo, Union, Walthall, Yalobusha, and Winston Counties;

(ff) Missouri: Butler, Cape Girardeau, Christian, Jasper, Jefferson, Lawrence, Monroe, Montgomery, Oregon, Perry, Ralls, Ripley, Saint Charles, Saint Francois, Sainte Genevieve, Texas, Webster and Worth Counties;

(gg) Montana: Beaverhead, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark,

Liberty, Lincoln, Madison, McCone, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Richland, Rivalli, Roosevelt, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, and Wibaux Counties;

(hh) Nebraska: Adams, Burt, Butler, Cass, Cedar, Clay, Colfax, Cuming, Dakota, Dixon, Dodge, Fillmore, Gage, Hamilton, Harlan, Howard, Jefferson, Johnson, Lancaster, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Thayer, Stanton, Thurston, Washington, Wayne, Webster, and York Counties;

(ii) Nevada: Churchill, Clark, Douglas, Esmeralda, Lincoln, Lyon, Mineral, Ormsby, Pershing, Storey, and White Pine Counties; and Pyramid Indian Reservation.

(jj) New York: Bronx, Essex, Franklin, Hamilton, Onondaga, Rockland, Richmond, Schenectady, Schoharie, Schuyler, Sullivan, and Warren Counties;

(kk) North Dakota: Adams, Barnes, Benson, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Emmons, Grand Forks, Grant, Griggs, Hettinger, McHenry, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Renville, Rolette, Sheridan, Sioux, Slope, Stark, Steele, Towner, Traill, Walsh, Ward, Williams, and Wells Counties;

(ll) Ohio: Belmont, Carroll, Columbiana, Fulton, Guernsey, Hancock, Mahoning, Meigs, Monroe, Ottawa, Paulding, Putnam, Scioto, Tuscarawas, Van Wert, Washington, Wood, and Wyandot Counties;

(mm) Oregon: Baker, Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Deschutes, Douglas, Grant, Hood River, Josephine, Lane, Lincoln, Linn, Malheur, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Union, Umatilla, Wasco, Washington, and Yamhill Counties and Warm Springs Indian Reservation;

(nn) South Carolina: Bamberg, Barnwell, Cherokee, Chester, Chesterfield, Clarendon, Dillon, Hampton, Horry, Laurens, Lee, Lexington, Marlboro, McCormick, Newberry, Pickens, Saluda, Sumter, Union, and York Counties;

(oo) South Dakota: Butte, Harding, and Lawrence Counties;

(pp) Tennessee: Anderson, Bedford, Benton, Campbell, Carter, Chester, Claiborne, Clay, Cocke, De Kalb, Fentress, Franklin, Gibson, Giles, Hancock, Hardeeman, Henry, Houston, Jackson, Jefferson, Johnson, Knox, Lawrence, Lincoln, Macon, Madison, Marshall, Maury, McNairy, Meigs, Montgomery, Morgan, Moore, Obion, Overton, Pickett, Polk, Putnam, Rhea, Scott, Shelby, Smith, Stewart, Sullivan, Tipton, Trousdale, Unicoi, Union, Weakley, Williamson, and Wilson Counties;

(qq) Virgin Islands: St. Thomas County;

(rr) Virginia: Accomack, Alleghany, Arlington, Bath, Bland, Buchanan, Buckingham, Caroline, Charles City, Clarke, Craig, Cumberland, Essex, Fairfax, Giles,

Gloucester, Hanover, Henrico, Isle of Wight, James City, King George, King William, Lancaster, Lee, Mathews, Middlesex, Nansemond, Norfolk, Northampton, Northumberland, Orange, Page, Prince William, Princess Anne, Richmond, Scott, Southampton, Spotsylvania, Warwick, Westmoreland, Wise, Wythe and York Counties, and Hampton City;

(ss) West Virginia: Berkeley, Boone, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hancock, Harrison, Jefferson, Kanawha, Lincoln, Logan, Marion, Marshall, McDowell, Mercer, Mineral, Monroe, Morgan, Mingo, Ohio, Pleasants, Pocahontas, Putnam, Raleigh, Roane, Summers, Taylor, Upshur, Wayne, and Wyoming Counties;

(tt) Wyoming: Big Horn, Lincoln, and Park Counties.

§ 78.14 *Public stockyards.* (a) Federal inspection is maintained for the inspection of livestock for communicable diseases at the following stockyards:

Name of Stockyard and Location

ALABAMA

Union Stockyards—Montgomery.

ARIZONA

Cornelius Livestock Co.—Phoenix.
Tovrea Public Stock Yards—Tovrea.

ARKANSAS

Greater Little Rock Stock Yards—North Little Rock.

CALIFORNIA

Union Stockyards—Los Angeles.

COLORADO

Union Stock Yards—Denver.

IDAHO

Boise Valley Livestock Commission Co.—Caldwell.
Idaho Livestock Auction, Inc.—Idaho Falls.
Southern Idaho Stockyards Co.—Twin Falls.

ILLINOIS

Union Stock Yards—Chicago.
St. Louis National Stock Yards—National Stock Yards.

INDIANA

Evansville Union Stock Yards—Evansville.
Indianapolis Stock Yards—Indianapolis.
Muncie National Stockyards—Muncie, Ind.

IOWA

Sioux City Stock Yards—Sioux City.

KANSAS

Parsons Stockyards Co.—Parsons.
Wichita Union Stock Yards—Wichita.

KENTUCKY

Bourbon Stock Yards—Louisville.

LOUISIANA

New Orleans Stock Yards—New Orleans.

MARYLAND

Baltimore Livestock Auction, Inc.—West Friendship.
Union Stock Yards—Baltimore.

MICHIGAN

Detroit Stock Yards—Detroit.

MINNESOTA

St. Paul Union Stock Yards—South St. Paul.

MISSOURI

Joplin Stockyards—Joplin.
Kansas City Stock Yards—Kansas City.
Mississippi Valley Stock Yards—St. Louis.
St. Joseph Stock Yards—South St. Joseph.
Union Stock Yards Co.—Springfield.

MONTANA

Billings Public Stock Yards—Billings.

NEBRASKA

Union Stock Yards—Omaha.

NEW JERSEY

Jersey City Stock Yards—Jersey City.

NEW MEXICO

Clovis Cattle Commission Co.—Clovis.
Ranchers & Farmers Livestock Sales Co.—Clovis.

NORTH DAKOTA

Union Stock Yards—West Fargo.

OHIO

Cincinnati Union Stock Yards—Cincinnati.
Union Stock Yards—Cleveland.

OKLAHOMA

Oklahoma National Stock Yards—Oklahoma City.
Tulsa Stockyards, Inc.—Tulsa.
Fort Smith Stockyards Co.—West Fort Smith.

OREGON

Portland Union Stock Yards—North Portland.
Ontario Livestock Commission Co.—Ontario.

PENNSYLVANIA

Union Stockyards—Lancaster.
Pittsburgh Joint Stock Yards—Pittsburgh.

SOUTH DAKOTA

Sioux Falls Stock Yards—Sioux Falls.

TENNESSEE

Union Stockyards—Nashville.
Dixie National Stock Yards—Memphis.
South Memphis Stock Yards—Memphis.

TEXAS

Ft. Worth Stock Yards—Ft. Worth.
Port City Stock Yards—Houston.
Union Stock Yards—San Antonio.
Texarkana Stockyards, Inc.—Texarkana.

UTAH

Salt Lake Union Stock Yards—North Salt Lake.
Ogden Union Stock Yards—Ogden.

VIRGINIA

Richmond Union Stock Yards—Richmond.

WASHINGTON

Seattle Union Stockyards—Seattle.
Old Spokane Union Stock Yards—Spokane.

WISCONSIN

Milwaukee Stock Yards—Milwaukee.

(b) The following stockyards preceded by an asterisk are specifically approved for the purposes of § 78.5 concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 concerning cattle not known to be affected with brucellosis. The following stockyards not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

Name of Stockyard and Location

ALABAMA

*Arab Stockyards—Arab.
*Atmore Truckers Association, Inc.—Atmore.

*Frisco City Coop—Frisco City.
 *Florence Trading Post Stockyards—Florence.
 *Geneva Stockyards—Geneva.
 *Hartford Livestock Co. Stockyards—Hartford.
 *Henry County Livestock Association, Inc.—Abbeville.
 *King and Mewbourn—Florence.
 *Limestone County Stock Yards—Athens.
 *Livingston Stockyard—Livingston.
 *Montgomery Auction Market—Montgomery.
 *Perry County Stockyard—Marion.
 *Ramsey & Sons Stockyards—Dothan.
 *Roanoke Stockyard—Roanoke.
 *Robertdale Livestock Auction, Inc.—Robertdale.
 *Stokes Stockyard, M. V.—Andalusia.
 *Union Stock Yards—Eufaula.

ARKANSAS

*Benton County Sales Co.—Rogers.
 *Bentonville Community Sale—Bentonville.
 *Brewer Auction Co.—Mountain View.
 *Brown & Lewis Auction—Conway.
 *Carroll County Livestock Auction—Berryville.
 *Clark County Auction—Arkadelphia.
 *Clarksville Auction Co.—Clarksville.
 *Columbia County Livestock Auction—Magnolia.
 *Corning Auction Sales Co.—Corning.
 *Crawford County Livestock Auction—Van Buren.
 *County Line Sale Barn—Ratcliff.
 *Decatur Sales Co.—Decatur.
 *Dequeen Livestock—Dequeen.
 *Drew County Auction Sale—Monticello.
 *Edgar Livestock Commission Company, Glenn—Batesville.
 *El Dorado Sales Barn—El Dorado.
 *Eudora Sales Barn—Eudora.
 *Eureka Sales Co.—Eureka Springs.
 *Farmer's Livestock Auction—Springdale.
 *Farmers Livestock Auction Market—Harrison.
 *Filippin Sale Co., Inc.—Filippin.
 *Gentry Sale Barn—Gentry.
 *Glover Commission Co.—Pine Bluff.
 *Gravette Community Sale—Gravette.
 *Harrison Sales Co.—Harrison.
 *Hensely Sales Barn—Fayetteville.
 *Hiram Walls Sales—Booneville.
 *Huntsville Livestock Auction—Huntsville.
 *Kindervater & Sons Meat Market, R.—Little Rock.
 *Magnolia Sales Barn—Magnolia.
 *Mammoth Spring Sales Barn—Mammoth Spring.
 *McGehee Auction—McGehee.
 *Mountain Home Livestock Auction—Mountain Home.
 *Nevada County Livestock Auction Barn—Prescott.
 *Nevada Livestock Auction—Prescott.
 *Northwest Arkansas Livestock Auction Co., Inc.—Fayetteville.
 *Polk County Auction—Mena.
 *Rector Auction—Rector.
 *Scott County Livestock Auction—Waldron.
 *Searey County Auction Co.—Marshall.
 *Siloam Springs Sales Barn—Siloam Springs.
 *Sutton Livestock Commission—Hope.
 *Union Stockyards—Pine Bluff.
 *Van Buren County Auction Sale—Clinton.
 *Washington County Sales Barn—Fayetteville.
 *Yellville Sales Co.—Yellville.

CALIFORNIA

*Bakersfield Livestock Auction Co.—Bakersfield.
 *Farm Bureau Sales Yard—Visalia.
 *Mariposa Commission Co. Salesyard—Stockton.
 *Modoc Auction Yards—Alturas.

*Roseville Livestock Auction Yard—Roseville.
 *South San Francisco Union Stockyards—South San Francisco.
 *Stockton Union Stockyards—Stockton.
 *Zinn Bros. Livestock Comm. Co. Sales Yard—El Centro.

COLORADO

*Alsbury Sales, Pavilion—Glenwood Springs.
 *Arkansas Valley Sales Co.—Lamar.
 *Brush Livestock Commission Co.—Brush.
 *Burlington Livestock Commission Co.—Burlington.
 *Basin Livestock Commission Co.—Durango.
 *Cortez Sales Barn—Cortez.
 *Delta Sales Yard—Delta.
 *Elizabeth Livestock Auction—Elizabeth.
 *Farmers Livestock Commission Co.—Wray.
 *Farmer and Rancher Commission Co.—Fort Collins.
 *Ft. Collins Sales Yard—Ft. Collins.
 *Fowler Auction Co.—Fowler.
 *Grand Junction Livestock Auction—Grand Junction.
 *H & G Livestock Commission Co.—Montrose.
 *Haxtun Co-op Livestock Exchange—Haxtun.
 *Hess Livestock Commission Co.—Pueblo.
 *La Junta Livestock Commission Co.—La Junta.
 *Limon Livestock Commission Co.—Limon.
 *Longmont Sales Yard—Longmont.
 *Rife Sales Yard—Rife.
 *Sterling Livestock Commission Co.—Sterling.
 *Stratton Sale Barn—Stratton.
 *Sunset Sales Yard—Greeley.
 *Trinidad Livestock Commission Co.—Trinidad.
 *Valley Livestock Auction Co.—Grand Junction.
 *Weld County Livestock Commission—Greeley.
 *Winter Livestock Commission Co.—La Junta.
 *Wray Sales Barn—Wray.
 *Yuma Livestock Auction—Yuma.

DELAWARE

*Carroll's Sales Co.—Dover.
 *Goldinger Brothers, Inc.—Smyrna.
 *Rudnick Live Stock Sales Co.—Dover.
 *Sullivan Brothers, Inc.—Townsend.

FLORIDA

*Tindel-Williams Livestock Auction Market—Graceville.

GEORGIA

*Bainbridge Stockyard—Bainbridge.
 *Bartow Livestock Commission Co.—Cartersville.
 *Bleckley Livestock Auction—Cochran.
 *Byram, G. N. Auction Co.—Newnan.
 *Candler Livestock Market—Metter.
 *Chatham County Stockyards—Savannah.
 *Carroll County Livestock Sales Barn—Carrollton.
 *Columbus Stockyard Co.—Columbus.
 *Cocoa Valley Livestock Co.—Rome.
 *Cordele Livestock Commission Co.—Cordele.
 *Dublin Livestock Commission Co.—Dublin.
 *Elberton Livestock Auction Barn—Elberton.
 *Fitzgerald Stockyards—Fitzgerald.
 *Georgia Farm Products Sales Corp.—Thomaston.
 *Georgia Livestock Terminal Market, Inc.—Macon.
 *Gordon Roberts Livestock Co., Inc.—Baxley.
 *Hasty Auction Co.—Atlanta.
 *Hudson-Troup Auctions—Fitzgerald.
 *Jepeway-Craig Commission Co.—Dublin.
 *Jesup Stock Yard—Jesup.

*Mitchell County Livestock Co.—Camilla.
 *Moultrie Livestock Co.—Moultrie.
 *Muscooke Livestock Co.—Columbus.
 *Northeast Georgia Livestock Auction, Inc.—Athens.
 *Peoples Livestock Market, Inc.—Cuthbert.
 *Pulaski Stockyard—Hawkinsville.
 *Queen City Livestock Auction Co.—Gainesville.
 *Ragsdale-Long Commission Co.—Quitman.
 *Ragsdale-McClure Commission Co.—Atlanta.
 *Ragsdale-McClure Commission Co.—Rome.
 *Seminole Livestock Auction Market—Donaldsonville.
 *Smith Stockyard Co. No. 1—Augusta.
 *Smith Stockyard Co. No. 3—Thomas.
 *Sumter Livestock Association, Inc.—Americus.
 *Sutton Livestock Co.—Sylvester.
 *Swainsboro Stockyards—Swainsboro.
 *Sylvania Stockyards—Sylvania.
 *Toccoa Livestock Auction—Toccoa.
 *Tri-County Livestock Co.—Social Circle.
 *Troup Livestock Sales Co., Inc.—LaGrange.
 *Union Stock Yards—Albany.
 *Valdosta Livestock Co., Inc.—Valdosta.
 *Waycross Livestock Market—Waycross.
 *Wilkes County Stockyard—Washington.

IDAHO

*Blackfoot Livestock Commission Co.—Blackfoot.
 *Boise Valley Livestock Comm. Co.—Caldwell.
 *Boise Valley Livestock Comm. Co.—Nampa.
 *Bonners Ferry Stockyards—Bonners Ferry.
 *Burley Livestock Comm. Co., Inc.—Burley.
 *Cache Valley Livestock Auction—Preston.
 *Cattleman's Livestock Auction, Inc.—Nampa.
 *Coeur d'Alene Livestock Comm. Yds.—Coeur d'Alene.
 *Cottonwood Sales Yard—Cottonwood.
 *Davis Livestock Auction—Caldwell.
 *Emmett Livestock Comm. Co.—Emmett.
 *Gooding L. S. Comm. Co.—Gooding.
 *Hays Salesyard—Nampa.
 *Jerome Livestock Comm. Co.—Jerome.
 *Meridian Salesyard—Meridian.
 *Pocatello Livestock Auction, Inc.—Pocatello.
 *Rexburg Livestock Auction, Inc.—Rexburg.
 *Salmon Salesyard—Salmon.
 *Sandpoint Livestock Auction Co.—Sandpoint.
 *Shoshone Livestock Auction Co.—Shoshone.
 *Stockgrowers Comm. Co.—Twin Falls.
 *Twin City Sales Yard—Lewiston.
 *Valley Livestock Comm. Co.—Rupert.
 *Weiser Livestock Comm. Co.—Weiser.

ILLINOIS

Carthage Community Sale Co.—Carthage.
 Danville Livestock Commission Co.—Danville.
 LaSalle County Livestock Marketing Center—Ottawa.
 Milford Sales & Commission Co.—Milford.
 Peoria, Union Stock Yards—Peoria.
 Rock Island Auction Sales—Rock Island.
 Schrader Consignment Sale, Harry—Dakota.
 West Kankakee Livestock Sale—Kankakee.

INDIANA

*Boswell Livestock Commission Co.—Boswell.
 *Ft. Wayne Livestock Auction—Fort Wayne.
 *Marshall County Community Sale—Plymouth.
 *Producers Marketing Association—Terre Haute.

*Producers Marketing Association—Vincennes.
 *Reynolds Sale Barn—Reynolds.
 *Shipshewana Livestock Auction—Shipshewana.
 *Producers Marketing Association—Centerville.

*Valparaiso Community Sale—Valparaiso.

Iowa

Ackley Sales Pavilion—Ackley.
 Adams County Auction Co.—Corning.
 Adel Sales Pavilion—Adel.
 Albion Sales Co.—Albion.
 Algona Sales Co.—Algona.
 Allerton Sale Co.—Allerton.
 Ames Sales Co.—Ames.
 Anamosa Livestock Auction—Anamosa.
 Anita Auction Co.—Anita.
 Ankeny Sales Pavilion—Ankeny.
 Armstrong Sale Co.—Armstrong.
 Atlantic Auction Co.—Atlantic.
 Audubon Auction Co.—Audubon.
 Avoca Auction Co.—Avoca.
 Baxter Sale Co.—Baxter.
 Belle Plaine Sales Barn—Belle Plaine.
 Belmont Sales Pavilion—Belmont.
 Bonaparte Community Sale—Bonaparte.
 Boone Sales Co.—Boone.
 Bowman Cattle Co.—Maquoketa.
 Bradley Live Stock Auction—Red Oak.
 Cedar Valley Livestock Exchange—Vinton.
 Centerville Sales Co.—Centerville.
 Chariton Sales Co.—Chariton.
 Charles City Livestock Exchange—Charles City.
 Cherokee Livestock Auction Co.—Clear Lake.
 Clarinda Auction Co.—Clarinda.
 Clear Lake Auction Co.—Clear Lake.
 Coggon Livestock Sales Co.—Coggon.
 Colfax Sale Co.—Colfax.
 Corning Auction Co., Inc.—Corning.
 Corydon Sale—Corydon.
 Cowan, Roy Sale Co.—Sioux City.
 Cresco Livestock Market—Cresco.
 Creston Auction Co.—Creston.
 Davis County Sales Co.—Bloomfield.
 DeVries Auction Co.—Buffalo Center.
 De Witt Sale Barn—De Witt.
 Donnellson Commission Exchange—Donnellson.
 Dows Sale Pavilion—Dows.
 Dunlap Sale Co.—Dunlap.
 Dyersville Sale Barn—Dyersville.
 Eastern Iowa Livestock Commission, Inc.—Mechanicville.
 Eldora Livestock Sales—Eldora.
 Elkhader Sales Barn—Elkhader.
 Emmetsburg Sales Co.—Emmetsburg.
 Estherville Auction Co.—Estherville.
 Fairfield Livestock Commission Co.—Fairfield.
 Farmers Livestock Exchange—Waukon.
 Farmers Sale Co.—Carroll.
 Fonda Sales Barn—Fonda.
 Forest City Auction Co.—Forest City.
 Garner Sales Co.—Garner.
 Grinnell Livestock Exchange—Grinnell.
 Halbert Cattle Co., J. C.—Washington.
 Hampton Sales Co.—Hampton.
 Henderson Auction—Henderson.
 Hi Dollar Sale Co.—Sigourney.
 Hopkinton Sales Pavilion—Hopkinton.
 Humboldt Livestock Auction—Humboldt.
 Humeston Sale Barn—Humeston.
 Independence Sales Co., Inc.—Independence.
 Iowa City Sales Co.—Iowa City.
 Iowa Falls Sales Pavilion—Iowa Falls.
 Iowa-Nebraska Sale Yards—Council Bluffs.
 Jefferson Livestock Market—Jefferson.
 Kalona Sales Barn—Kalona.
 Keosauqua Sale Co., Inc.—Keosauqua.
 Kimballton Auction Co.—Kimballton.
 Knickman Livestock Sales Co.—Council Bluffs.
 Lamoni Sale Corp.—Lamoni.
 Laporte City Sales Barn—Laporte City.
 Laurens Livestock Sale Co.—Laurens.
 Lawn Hill Livestock Sales—New Providence.
 Lawton Sale Barn—Lawton.

LeMars Sales Co.—LeMars.
 Lenox Livestock Auction—Lenox.
 Leonard's Auction Sale—Manchester.
 Leon Sale—Leon.
 Live Stock Auction—Denison.
 Lizer's Sale—Gowrie.
 Low Moor Sales Co.—Low Moor.
 Madison County Auction—Winterset.
 Mahaaka Sales Co.—Oskaloosa.
 Mapleton Sales Co., Inc.—Mapleton.
 Maquoketa Livestock Sales Co.—Maquoketa.
 Marengo Sale Barn—Marengo.
 Marshalltown Live Stock Auction—Marshalltown.
 Marvel Sales Co.—Webster City.
 McCreary Sale Co.—Centerville.
 McDonald Sales Co.—Sumner.
 McIntosh Livestock Auction Co.—Ida Grove.
 Middletown Sale Co.—Middletown.
 Midway Sales Co.—Columbus Junction.
 Milford Livestock Exchange—Milford.
 Moorhead Sale Barn—Moorhead.
 Montezuma Sales Pavilion Co.—Montezuma.
 Mount Ayr Livestock Market—Mount Ayr.
 New Liberty Sale Barn—New Liberty.
 New Sharon Sale Co.—New Sharon.
 Newton Sale Co.—Newton.
 Nishna Valley Sales Co.—Shenandoah.
 Northeast Iowa Sales Co.—Decorah.
 Northside Sales Co.—Sibley.
 Northwest Iowa Livestock Exchange—Alta.
 Northwood Sales Co.—Northwood.
 Oelwein Livestock Exchange—Oelwein.
 Ogden Sale Barn—Ogden.
 Onawa Sale Barn—Onawa.
 Orient Sale Co., Inc.—Orient.
 Osceola Sale Co.—Osceola.
 Oskaloosa Sales Co.—Oskaloosa.
 Oxford Sales Barn, Inc.—Oxford.
 Paulina Sale Co.—Paulina.
 Perry Sales Pavilion—Perry.
 Peterson Cattle Co.—Clinton.
 Peterson Cattle Co.—Des Moines.
 Peterson Cattle Co.—Mt. Vernon.
 Peterson Cattle Co.—Schaller.
 Peterson Cattle Co.—Spencer.
 Peterson Cattle Co.—Washington.
 Pocahontas Livestock Sales, Inc.—Pocahontas.
 Postville Co-Op Sales Barn—Postville.
 Riceville Sales Pavilion—Riceville.
 Rock Valley Sales Co.—Rock Valley.
 Russell Sales Co.—Russell.
 Sac County Auction Co.—Sac City.
 Sales Company of Hawarden—Hawarden.
 Selfried-Trenary—Pocahontas.
 Sheldon Sales Co.—Sheldon.
 Sioux Center Sales Co.—Sioux Center.
 Spencer Dairy Cattle Exchange—Spencer.
 Spencer Livestock Sales Co.—Spencer.
 Stanton Auction Co.—Stanton.
 St. Ansgar Sale Barn—St. Ansgar.
 Storm Lake Auction Co.—Storm Lake.
 Story City Auction Sales—Story City.
 Strand, Oswald, & Son—Manly.
 Stuart Sales Co.—Stuart.
 Sweetland Auction Sales—Muscatine.
 Tabor Sales Barn—Tabor.
 Tama Sale Co.—Tama.
 Traer Sales Barn—Traer.
 Tripoli Sales Co.—Tripoli.
 Uhlenhopp Sales—Aplington.
 Umstead Livestock Auction—Eagle Grove.
 Ute Sale Barn—Ute.
 Wadena Livestock Exchange—Wadena.
 Wapello Livestock Auction—Wapello.
 Washington Livestock Sales Co.—Washington.
 Waukon Sales Commission—Waukon.
 Waverly Sales Co.—Waverly.
 Wayland Sales Co., Inc.—Wayland.
 Wenger Sales Commission—West Union.
 West Union Auction Exchange—West Union.
 Westhope Auction Co.—Harlan.
 Westra Sales Co.—Orange City.
 Wherheim Commission Firm, W. H.—Webster City.

Wilson Bull Cattle Co.—Clinton.
 Winneshiek Coop. Ass'n.—Decorah.
 Wittauer Auction—Council Bluffs.

KANSAS

*A. C. Sale Co.—Arkansas City.
 *Abilene Livestock Sales Co.—Abilene.
 *Anthony Livestock Co.—Anthony.
 *Ashland Sales Co.—Ashland.
 *Atchison County Auction Co.—Atchison.
 *Atwood Sale Barn—Atwood.
 *AT & SF Stockyard—Emporia.
 *Belleville Sale Co.—Belleville.
 *Bronson Community Sale—Bronson.
 *Burdett Livestock Sale Co.—Burdett.
 *Caldwell Community Sale—Caldwell.
 *Cedar Vale Sales Co.—Cedar Vale.
 *Central Livestock Sales Co.—S. Hutchinson.
 *Chandler Sales Co.—Smith Center.
 *Chanute Sale Pavilion—Chanute.
 *Chetopa Community Sale—Chetopa.
 *Chetopa Sale Co.—Chetopa.
 *Clay Center Sale Co.—Clay Center.
 *Clemence-Morris Livestock Commission—Salina.
 *Cloud County Livestock Commission Co.—Concordia.
 *Coffeyville Livestock Commission Co.—Coffeyville.
 *Colby Sale Barn—Colby.
 *Coldwater Sales Co.—Coldwater.
 *Concordia Sales Co.—Concordia.
 *Council Grove Livestock Auction—Council Grove.
 *Dickinson County Livestock Co.—Abilene.
 *Dighton Livestock Market—Dighton.
 *Dodge City Livestock Commission Co.—Dodge City.
 *Fred Doll Livestock Sales Co.—Larned.
 *Douglass Sale Co.—Douglass.
 *Downs Sales Co.—Downs.
 *Dumler Brothers Livestock Comm. Co.—Russell.
 *Effingham Auction Co.—Effingham.
 *El Dorado Livestock—El Dorado.
 *Emporia Livestock Sale Co.—Emporia.
 *Ft. Scott Sale Co.—Ft. Scott.
 *Franklin County Sales Co.—Ottawa.
 *Fredonia Sales Co.—Fredonia.
 *Garden City Sale Co.—Garden City.
 *Gassaway Sale Co.—Plainville.
 *Giger Sales Co.—Emporia.
 *Goodland Livestock Comm. Co.—Goodland.
 *Hansen Livestock Auction—Beloit.
 *Harper Livestock Sale Co.—Harper.
 *Hays Livestock Community Sales—Hays.
 *Herington Livestock Auction Co.—Herington.
 *Hesston Sales Co.—Hesston.
 *Hiawatha Livestock Auction—Hiawatha.
 *Hill City Sale Barn—Hill City.
 *Holton Community Sale—Holton.
 *Holton Livestock Exchange—Holton.
 *Hoxie Livestock Sale—Hoxie.
 *Hutchinson Livestock Sale Pavilion—Hutchinson.
 *Kinsley Livestock Sales Co.—Kinsley.
 *Kiowa Sales Co.—Kiowa.
 *Koenig Sale Barn—Manhattan.
 *Leavenworth Community Sale—Leavenworth.
 *Lenexa Community Sale—Lenexa.
 *Leoti Livestock Sales—Leoti.
 *Liberal Livestock Sales Co.—Liberal.
 *Lincoln Sales Co.—Lincoln.
 *Lindsborg Livestock Commission—Lindsborg.
 *Lyons Sale Pavilion—Lyons.
 *Mankato Sales Co.—Mankato.
 *Marysville Livestock and Commission Co.—Marysville.
 *McIntosh Auction—Peabody.
 *McKinley-Winter Livestock Commission Co.—Dodge City.
 *Medicine Lodge Sales Co.—Medicine Lodge.
 *Minneapolis Sales Pavilion—Minneapolis.
 *Natoma Sale Co.—Natoma.
 *Ness City Livestock Commission Co.—Ness City.

*Norton Livestock Comm. Co.—Norton.
 *Oakley Livestock Sales Co.—Oakley.
 *Oberlin Sale Barn—Oberlin.
 *Osborne Livestock Comm. Co.—Osborne.
 *Ottawa Market Sale—Ottawa.
 *Paola Market Sale—Paola.
 *Phillipsburg Livestock Comm. Co.—Phillipsburg.
 *Pratt Livestock Comm. Co.—Pratt.
 *Quinter Sale Barn—Quinter.
 *Rexford Livestock Comm. Co.—Meade.
 *Rush County Sales Co.—La Crosse.
 *St. Francis Livestock Comm. Co.—St. Francis.
 *Schooler & Son—Frankfort.
 *Southeastern Kansas Sales Co.—Stockton.
 *Stockton Livestock Comm. Co.—Stockton.
 *Stockyards Comm. Co.—Great Bend.
 *Sylvan Sales Co.—Sylvan Grove.
 *Syracuse Sale Co.—Syracuse.
 *Tri-State Sale—Elkhart.
 *Valley Falls Livestock Auction—Valley Falls.
 *WaKeeney Livestock Comm. Co.—WaKeeney.
 *Washington Sale Co.—Washington.
 *Wellington Sales Co.—Wellington.
 *Wilson Livestock Auction—Salina.
 *Winfield Sales Co.—Winfield.
 *Zima Livestock Sales Co.—Emmett.

KENTUCKY

Adair County Stockyards—Columbia.
 *Albany Stockyards—Albany.
 *Berry & Son Stockyards, R. B.—Clinton.
 *Berry & Whitford Stockyard—Mayfield.
 *Blue Grass Stockyards Co.—Lexington.
 *Bowling Green Livestock Market, Inc.—Bowling Green.
 *Boyle County Stockyards Co.—Danville.
 *Brown & Wayne Stockyards—Clinton.
 *Cattlettsburg Live Stock Sales Co.—Cattlettsburg.
 *Christian County Livestock Market, Inc.—Hopkinsville.
 *Clay-Gentry—Lexington.
 *Cynthiana Stockyards—Cynthiana.
 *Edmonton Livestock Market—Edmonton.
 *Farmers Commission Co., Inc.—Tompkinsville.
 *Farmers Livestock Market, Inc.—Somerset.
 *Farmers Livestock Market—London.
 *Farmers Livestock Market—Louis.
 *Farmers Stockyards—Flemingsburg.
 *Farmers Stockyards Co., Inc.—Mt. Sterling.
 *Franklin Livestock Market, Inc.—Franklin.
 *Garrard County Stockyards—Lancaster.
 *Glasgow Livestock Market—Glasgow.
 *Graves County Stockyard—Mayfield.
 *Green County Stockyards—Greensburg.
 *Horse Cave Stockyard—Horse Cave.
 *Hutcherson Livestock Market—Glasgow.
 *Lebanon Stockyards, Inc.—Lebanon.
 *Logan County Livestock Co., Inc.—Russellville.
 *Madison Sales Co.—Richmond.
 *Mayaville Stockyards—Maysville.
 *Middlesboro Auction Co.—Middlesboro.
 *Monticello Stockyards—Monticello.
 *Murray Livestock Co.—Murray.
 *O. K. Stockyard—Maysville.
 *Paintsville Livestock Market—Paintsville.
 *Paris Stockyards—Paris.
 *Science Hill Stockyards—Science Hill.
 *Sparta Stockyards Co.—Sparta.
 *Thompkinsville Livestock Market—Thompkinsville.
 *Washington County Stockyard—Springfield.

LOUISIANA

*Amite Livestock Auction, Inc.—Amite.
 *Avoyelles Livestock Commission Market—Manaur.
 *Barnes Commission Co.—Lake Charles.
 *Bastrop Livestock Auction—Bastrop.
 *Calhoun Livestock Commission Market—Manassah.
 *Clark Commission Co.—Benton.

*Coltharp's Commission Barn—DeRidder.
 *Community Auction Barn—DeQuincy.
 *Delhi Livestock Auction—Delhi.
 *Dominique's Inc.—Opelousas.
 *Dominique's Livestock Auction—Alexandria.
 *Dominique's Stockyards—Baton Rouge.
 *Dominique's Stockyards—Lafayette.
 *Eunice Stockyard—Eunice.
 *Farmer and Stockman Auction—Clarence.
 *Farmerville Livestock Auction—Farmerville.
 *Franklin Livestock Auction—Winnsboro.
 *Franklin Stock Yards, Inc.—Franklin.
 *Grand Cane Livestock Commission—Grand Cane.
 *Harris & Stutson Commission Co.—Ferryday.
 *Hodges, W. H., and Co.—Crowley.
 *Hodges & Co., W. H.—Alexandria.
 *Hodges & Co., W. H.—New Roads.
 *Hodges & Co., W. H.—Tallulah.
 *Homer Livestock Auction—Homer.
 *Jennings Commission Barn—Opelousas.
 *Jennings Stockyards—Baton Rouge.
 *Kentwood Stockyard—Kentwood.
 *Leesville Commission Co.—Leesville.
 *Lum Bros. Stockyards, Inc.—Ferryday.
 *Micelle's Commission Yard—Lake Charles.
 *Miller & Dominique Stockyard—Elton.
 *Oak Grove Livestock Auction—Oak Grove.
 *Raceland Stockyards—Raceland.
 *Red River Livestock Auction—Coushatta.
 *Ruston Stockyards, Inc.—Ruston.
 *Tate Commission Barn, Joe—Ville Platte.
 *Volron's Stockyards—Thibodaux.
 *Welsh Stockyard—Welsh.
 *West Monroe Livestock Auction, Inc.—West Monroe.
 *Zachary Stockyards—Zachary.

MARYLAND

Aberdeen Sales Co.—Aberdeen.
 Caroline Sales Co., The—Denton.
 Cumberland Stock Yard, Inc.—Cumberland.
 Eyer's Live Stock Market—Thurmont.
 *Farmers Live Stock Exchange, Inc.—Boonsboro.
 Four States' Livestock Sales, Inc.—Hagerstown.
 Friend Stock Yard, Inc.—Accident.
 Grantville Auction Market—Grantsville.
 *Harris Sales Corporation—Odessa.
 Rudnick Live Stock Sales, Harry—Galena.
 Western Maryland Stock Yards, Inc.—Westminster.
 Woodsboro Livestock Sale, Inc.—Walkersville.

MASSACHUSETTS

*Brighton Stock Yards Co.—Brighton.
 Deveno Livestock Commission—Southwick.
 Northampton Coop. Auction—Northampton.

MICHIGAN

*Adrian Livestock Auction—Adrian.
 *Cass Livestock Sale—Cassopolis.
 *Coldwater Livestock Auction—Coldwater.
 *Dixon Brothers Livestock Auction—Jackson.
 *Dundee Livestock Auction—Dundee.
 *Linsmeier Livestock Auction—Menominee.
 *Marlette Livestock Approved—Marlette.
 *Napoleon Livestock Auction—Napoleon.
 Sturgis Livestock Auction Sale—Sturgis.

MISSISSIPPI

*Amory Commission Co.—Amory.
 *Batesville Livestock Auction—Batesville.
 *Billingsley Auction Sale, Doc—Senatobia.
 *Booneville Commission Co.—Booneville.
 *Case Stock Yards—Bude.
 *Chickasaw Commission Co.—Houston.
 *Clarksdale Livestock Sales Co.—Clarksdale.
 *Clay County Stockyards, Inc.—West Point.
 *Columbus Livestock Co.—Columbus.
 *Corinth Livestock Auction Co.—Corinth.
 *Deercreek Stockyards, Inc.—Hollandale.

*Dixie Stockyard—Meridian.
 *Feders Livestock Sales Co.—Summit.
 *George County Stock Yards—Lucedale.
 *Graves Livestock Co.—Winona.
 *Grenada Livestock Exchange—Grenada.
 *Gulfport Stockyards—Gulfport.
 *Hattiesburg Stockyard, Inc.—Hattiesburg.
 *Henderson Sales Co.—Corinth.
 *Hernando Auction Co.—Hernando.
 *Hinds County Livestock Sale—Edwards.
 *Hodges, W. H. & Sons—Liberty.
 *Jackson County Stockyards—Pascagoula.
 *Jefferson County Stock Yards—Fayette.
 *Knight Bros. Livestock Sales—Louisville.
 *Kosciusko Stock Yards Co.—Kosciusko.
 *L & S Community—Columbia.
 *Laurel Stock Yards—Laurel.
 *Leake County Commission Sales Co.—Carthage.
 *Lexington Sales Co.—Lexington.
 *Livestock Producers Association—Tyler-town.
 *Lum Bros. Stockyards—Natchez.
 *Lum Commission Co.—Vicksburg.
 *Marshall County Stock Yards—Holly Springs.
 *Mississippi Livestock Producers Association (North Yard)—Jackson.
 *Moore and Woods Commission Co., Inc.—Macon.
 *Neshoba County Stockyards—Philadelphia.
 *New Albany Sales Co.—New Albany.
 *North Mississippi Sales Co.—Grenada.
 *Owen Brothers Stockyard—Meridian.
 *Peelers Livestock Sales—Kosciusko.
 *Richton Stock Yards—Richton.
 *Ripley Sales Co.—Ripley.
 *Shaw & Gray Commission Co.—Oxford.
 *Spicer Lipscomb Commission Co.—Sennett.
 *Starkville Livestock Commission Co.—Starkville.
 *State Line Auction Co.—Walnut.
 *Stiles, Raymond F.—Sturgis.
 *Tri State Stock Yards, Inc.—Greenville.
 *Tupelo Livestock Auction, Inc.—Tupelo.
 *Union Stock Yards—Jackson.
 *Waynesboro Livestock Yards—Waynesboro.
 *Wilson Cable Commission Co.—Pontotoc.

MISSOURI

Adair County Sale Barn—Kirksville.
 Alton Sales Co.—Alton.
 Baker, Roy Sales Co.—Butler.
 Beebe Bros. Sales Barn—Warrensburg.
 Bowling Green Auction Co.—Bowling Green.
 Brunswick Sale Co.—Brunswick.
 Butler Community Sale—Butler.
 Callao Sale Barn—Callao.
 Callaway Stock Sales Association—Fulton.
 Carrollton Livestock Auction—Carrollton.
 Carthage Auction Co.—Carthage.
 Cassville Livestock Auction—Cassville.
 Central Missouri Sales Co.—Sedalia.
 Centralia Livestock Sales Co.—Centralia.
 Charleston Auction Co.—Charleston.
 Clark County Sales Co.—Kahoka.
 Clawson Auction Co.—Eldorado Springs.
 Clinton Community Sale—Clinton.
 Columbia Livestock Auction, Inc.—Columbia.
 Community Sale Pavilion—Nevada.
 Cox Auction Sale, Noel—Ozark.
 Crocker Community Sale Barn—Crocker.
 Davis-Johnston Patrick's Sales & Commission Co.—Boonville.
 Doniphan Auction Sales Co.—Doniphan.
 Drexel Community Sale—Drexel.
 Edina Sale Co.—Edina.
 Excelsior Springs Sale Barn—Excelsior Springs.
 Farmers and Traders Comm. Co., Inc.—Palmyra.
 Farmington Auction Co., Inc.—Farmington.
 Fraley Sale Pavilion—Chillicothe.
 Fredericktown Auction Co., Inc.—Fredericktown.
 Gainesville Sale Barn—Gainesville.

Gallatin Livestock Commission Co.—Gallatin.

Graham Auction—Mansfield.
Grant City Sale Barn—Grant City.
Green City Auction Co.—Green City.
Halsey & Riley Sale Co., Inc.—Marshall.
Hannibal Sale Co., Inc.—Hannibal.
Hinds Sale Co.—Memphis.
Joplin Stockyard, Inc.—Joplin.
Kennett Sales Co., Inc.—Kennett.
Kirksville Community Sale—Kirksville.
Lewis County Auction Co.—Lewistown.
Lexington Livestock Auction—Lexington.
Licking Auction Sales Co.—Licking.
Linn County Auction Co.—Brookfield.
Lockwood Community Sales, Inc.—Lockwood.

Lolli Sales Pavilion—Macon.
Malden Sale Co.—Malden.
Marshfield Sale Barn—Marshfield.
Maryville Auction Co.—Maryville.
McDonald County Sale Co.—Goodman.
Mexico Stockyards Co.—Mexico.
Milan Auction Co.—Milan.
Moberly Livestock Auction—Moberly.
Monett Sale Co.—Monett.
Montgomery County Auction—Wellsville.
Mountain Grove Livestock Auction—Mountain Grove.

Neosho Commission Sale—Neosho.
Nevada Sale Co.—Nevada.
New Cambria Community Sale—New Cambria.
New Palmyra Sale Co.—Palmyra.
Odessa Commission Sale—Odessa.
Olean Sale Co.—Olean.
Owen Livestock Commission Co.—Ferd—Belton.

P & M Auction—Sikeston.
Pasley, C. M. Auction Co.—Osceola.
Payne Auction Sales—Lebanon.
Perry Sales Barn, Inc.—Perry.
Poplar Bluff Sales Co.—Poplar Bluff.
Potosi Auction Co.—Potosi.
Prairie Center Sales Co.—King City.
Princeton Auction Sales Co.—Princeton.
Ray County Sale—Richmond.
Rhodes Commission Co.—Advance.
Robertson's Community Sale—Bethany.
Rock Port Sales Pavilion, Inc.—Rock Port.
Rolla Auction Co.—Rolla.
Salem Auction Co.—Salem.
Saline County Sale Co., Inc.—Marshall.
Schuyler Sales Association—Lancaster.
Sheibina Sales Association—Sheibina.
Sikeston Auction Co.—Sikeston.
St. James Auction Co.—St. James.
St. Joe Live Stock Auction—St. Joseph.
Summersville Auction Sale—Summersville.
Thayer Sales Co.—Thayer.
Thornton Sales and Auction Co.—Springfield.

Trenton Livestock Market—Trenton.
Troy Sale Co.—Troy.
Unionville Auction Co.—Unionville.
Versailles Auction Co.—Versailles.
Wentzville Auction Co.—Wentzville.
West Plains Livestock Auction—West Plains.
Wheaton Community Sale—Wheaton.
Wilson's Pony Sale, Gene—Carthage.
Windsor Auction Co.—Windsor.

MONTANA

*Billings Livestock Commission Co.—Billings.
*Glendive Auction Co., Inc.—Glendive.
*Miles City Livestock Auction Co.—Miles City.
*Yellowstone Livestock Commission Co.—Sidney.

NEBRASKA

*Ainsworth Sale Yard—Ainsworth.
*Albion Sales Pavilion—Albion.
*Alliance Livestock Commission Co.—Alliance.
*Alma Sale Barn—Alma.
*Ashland Sale Barn—Ashland.
*Atkinson Livestock Market—Atkinson.
*Aurora Sale Pavilion—Aurora.
*Bassett Livestock Sales Co.—Bassett.

*Beatrice Sales Pavilion—Beatrice.
*Beaver Valley Sale Barn—Beaver City.
*Benkelman Sales Co.—Benkelman.
*Blue Hill Sales Co.—Blue Hill.
*Burwell Livestock Market—Burwell.
*Butte Livestock Market—Butte.
*Bloomfield Community Market—Bloomfield.

*Central Nebraska Comm. Co.—Broken Bow.
*Chadron Sales Co.—Chadron.
*Chappell Livestock Commission Co.—Chappell.
*Christensen Livestock Commission Co.—Fullerton.

*Columbus Sales Pavilion—Columbus.
*Colorado-Montana Cattle Co.—Lincoln.
*Community Sales—Central City.
*Crawford Sales Co., Inc.—Crawford.
*Creighton Livestock Market—Creighton.
*Deshler Livestock Commission Co.—Deshler.

*Dooley Auction Market—Wahoo.
*Dovel Sale Barn—Auburn.
*Elkhorn Valley Cattle Co.—Norfolk.
*Erikson Livestock Market—Erikson.
*Ewing Livestock—Ewing.
*Fairbury Livestock Co.—Fairbury.
*Falls City Auction Co.—Falls City.
*Farmers Livestock Sales Co.—Benkelman.
*Friend Sale Barn—Friend.
*Gordon Sales Co.—Gordon.
*Hebron Livestock Commission Co.—Hebron.

*Holdrege Livestock Commission Co.—Holdrege.
*Imperial Sales Co.—Imperial.
*Kearney Livestock Commission Co.—Kearney.
*Kimball Livestock Auction—Kimball.
*Laurel Sales Co.—Laurel.
*Lexington Livestock Comm. Co.—Lexington.

*Lincoln Livestock Comm. Co.—Lincoln.
*Lockwood Livestock Auction Co.—South Sioux City.
*McCook Livestock Exchange Co.—McCook.
*McKee Sales Co.—Superior.
*Minden Livestock Sales Co.—Minden.
*Neligh Livestock Commission Co.—Neligh.
*Newman Grove Sales Co.—Newman Grove.
*Nebraska City Sales Barn—Nebraska City.
*Nebraska Livestock Comm. Co.—Hastings.
*Nebraska Livestock Sales, Inc.—Lincoln.
*Norfolk Livestock Sales Co.—Norfolk.
*North Bend Auction Co.—North Bend.
*C & O Commission Co.—Kearney.
*O'Neill Livestock Market—O'Neill.
*Ogallala Livestock Commission Co.—Ogallala.

*Ord Livestock Market—Ord.
*Oshkosh Livestock Commission Co.—Oshkosh.
*Oxford Livestock Comm. Co.—Oxford.
*Pawnee Livestock Co.—Pawnee City.
*Pender Livestock Co.—Pender.
*Plattsmouth Sale Barn—Plattsmouth.
*Red Cloud Sales Co.—Red Cloud.
*Republican Valley Livestock Auction—Franklin.

*Scottsbluff Livestock Commission Co.—Scottsbluff.
*Seward Sales Barn—Seward.
*Sheridan Livestock Commission Co.—Rushville.
*Sidney Livestock Sales Pavilion—Sidney.
*Spalding Livestock Market—Spalding.
*Stickelman Livestock Commission Co.—Gothenburg.

*Superior Sales Co., Inc.—Superior.
*Sutton Sales Pavilion—Sutton.
*Syracuse Sales Pavilion Co.—Syracuse.
*Tecumseh Livestock Market—Tecumseh.
*Thedford Livestock Sales Co.—Thedford.
*Third City Livestock Commission Co.—Grand Island.

*Tilden Livestock Market—Tilden.
*Tri-State Livestock Commission Co.—McCook.
*Union Livestock Commission Co.—Scottsbluff.

*Valentine Livestock Auction Co.—Valentine.
*Verdigris Livestock Auction Market, Inc.—Verdigris.
*Wayne Sales Co.—Wayne.
*Webb Livestock Commission Co.—Grand Island.

*Wells Commission Co.—Fremont.
*West Point Sales Co.—West Point.
*Western Livestock Auction Co.—North Platte.
*Wisner Livestock Sales Co.—Wisner.
*York Livestock Commission Co.—York.

NEVADA

*B & M Livestock—Fallon.
*Elko Livestock Sales—Elko.
*Fallon Sales Yard—Fallon.
*Midwest Livestock Commission Co.—Fallon.
*Nevada Livestock Commission Co.—Sparks.

NEW JERSEY

*Boyer Sales, Inc.—New Egypt.
*Community Livestock Auction Market—Woodstown.
*Flemington Auction Market Cooperative Assn., Inc.—Flemington.
*Harris Sales Co.—Woodstown.
*Jaeger's Auction Market—Sussex.
*Livestock Cooperative Auction Market Assn. of North Jersey, Inc.—Hackettstown.
*Henry Zlotkin Auction—Freehold.

NEW MEXICO

*Clayton Cattle Auction Stockyards—Clayton.
*Clovis Branding Co. Stockyards—Clovis.
*New Mexico Livestock Exchange, Inc.—Albuquerque.
*Portales Livestock Commission Co.—Portales.
*Roswell Livestock Commission Co.—Roswell.
*South Second Street Commission Co.—Albuquerque.
*Williams Cattle Co., Bookey—Clovis.

NEW YORK

Agett & Law Commission Market—Ischua.
Apulia Station Livestock Sale—Apulia Station.
Burton Livestock Exchange—Vernon.
Cable's Cattle Market—Roxbury.
Cambridge Valley Livestock Market—Cambridge.
Chambers & Sons, Inc., D. R.—Unadilla.
Chatham Area Auction Coop., Inc.—Chatham.
Danville Commission Auction—Danville.
DiBello Commission Sales, Ben—Hannibal.
Dryden Livestock Sales—Dryden.
Dupont's Commission Auction—Little Falls and Fort Plain.
Empire Livestock Marketing Cooperative, Inc.—Bath.
Empire Livestock Marketing Cooperative, Inc.—Bullville.
Empire Livestock Marketing Cooperative, Inc.—Caledonia.
Empire Livestock Marketing Cooperative, Inc.—Dryden.
Empire Livestock Marketing Cooperative, Inc.—Gouverneur.
Empire Livestock Marketing Cooperative, Inc.—Greene.
Empire Livestock Marketing Cooperative, Inc.—Oneonta.
Empire Livestock Marketing Cooperative, Inc.—Watertown.
Empire Livestock Marketing Cooperative, Inc.—West Winfield.
Farmer's Livestock Market—Bath.
Hillsdale Farmer's Auction, Inc.—Hillsdale.
Horseheads Livestock Market—Horseheads.
Hudson Valley Live Stock Market—Watford.
N. Johncox Sons Livestock Auction—Palmyra.
J. M. Kaplan & Son, Inc.—Millerton.
Kessler & Gentner—Springville.

Kimball Stand Commission Sales—James-town.
 Luthers' Livestock Commission Market—Wassala.
 Milford Commission Sales Stables, Inc.—Milford.
 Miller's Livestock Market—Argyle.
 Neverett, H. L. & Sons—Chazy.
 Neverett, H. L. & Sons—Ellenburg Depot.
 Norvel Reed—Sherman.
 Norwich Commission Sale—Norwich.
 Owego Livestock Sales—Owego.
 Pavilion Livestock Market—Pavilion.
 Sauquoit Valley Livestock Exchange—Cass-ville.
 Southern Cayuga Commission Sales—Moravia.
 Southern Tier Livestock Market—Whitney Point.
 Stillson Tweedle—Walton.
 Sullivan Brothers—Utica.
 Sunny Acres Livestock Market—Bombay.
 Tully Valley Livestock Market—Apulia Sta-tion.
 Wallkill Livestock Market—Walden.
 Wickham's Commission Auction—Ovid.

NORTH DAKOTA

*Armour & Co. Yards—West Fargo.
 *Ashmore, William L.—Ellendale.
 *Beulah Livestock Auction Sales—Beulah.
 *Edgeley Livestock Sales Co.—Edgeley.
 *Ellendale Livestock Sales Co.—Ellendale.
 *Hankinson Sales Barn—Hankinson.
 *Harrington Brothers—Mayville.
 *Harrington Brothers—Minot.
 *Harrington Brothers—Valley City.
 *Harvey Livestock Sales Pavilion—Harvey.
 *Hettinger Livestock Sales Co.—Hettinger.
 *Home Base Auction Co.—Bowman.
 *Jamestown Sales Co.—Jamestown.
 *Kamrath Sales Pavilion—Mott.
 *Linton Livestock Sales Co.—Linton.
 *Mandan-Bismarck Livestock Commission Co.—Mandan.
 *Missouri Slope Auction Sales, Inc.—Bis-marck.
 *Park River Livestock Sales Co.—Park River.
 *Schnell-Dickinson Livestock Sales—Dick-inson.
 *Western Livestock Co., Inc.—Dickinson.
 *West Fargo Union Stock Yards—West Fargo.
 *Williston Livestock Commission Co.—Wil-liston.

OHIO

*Athens Livestock Sales Co.—Athens.
 *Bowling Green Livestock Sales—Bowling Green.
 *Canfield Livestock Auction—Canfield.
 *Carrollton Livestock Auction—Carrollton.
 *Creston Livestock Sales—Creston.
 *Damascus Livestock Auction—Damascus.
 *Dorset Livestock Auction—Dorset.
 *Elkton Auction—Elkton.
 *Farmers Livestock Association—Wooster.
 *Farmers' Livestock Auction, Inc.—Mari-etta.
 *Geauga Livestock Commission—Middle-field.
 *Gibsonburg Livestock Auction—Gibson-burg.
 *Kidron Auction Co.—Kidron.
 *Lugbill Bros., Inc.—Archbold.
 *Marietta Livestock Market, Inc.—Mari-etta.
 *Muskingum Livestock Sales Co.—Zanes-ville.
 *Oak Harbor Livestock Sales—Oak Harbor.
 *Ohio Valley Livestock Co.—Gallipolis.
 *Orrville Livestock Auction—Orrville.
 *Peoples Livestock Exchange—Greenville.
 *Pickaway Livestock Co-op Association—Circleville.
 *Producers Livestock Association—Bucyrus.
 *Producers Livestock Association—Chilli-cothe.
 *Producers Livestock Association—Colum-bus.

*Producers Livestock Association—Coshoc-ton.
 *Producers Livestock Association—Findlay.
 *Producers Livestock Association—Hicks-ville.
 *Producers Livestock Association—Hills-boro.
 *Producers Livestock Association—Lan-caster.
 *Producers Livestock Association—Marion.
 *Producers Livestock Association—Mt. Vernon.
 *Producers Livestock Association—Wapa-koneta.
 *Producers Livestock Association—Wash-ington C. H.
 *Producers Livestock Association—Wil-mington.
 *Putnam County Livestock Association—Columbus Grove.
 *Rothschild Livestock Co.—Stony Ridge.
 *Sugar Creek Livestock Auction—Sugar-creek.
 *Tiffin Livestock Sales Co.—Tiffin.
 *Warren County Sales Barn—Lebanon.
 *Washington C. H. Union Stockyards—Washington C. H.
 *Wheelersburg Livestock Sales Co.—Wheel-ersburg.
 *Zanesville Community Sales Co.—Zanes-ville.

OKLAHOMA

*Akard Commission Co., Roy—Idabel.
 *Beaver Livestock Sale—Beaver.
 *Bluestem Sales, Inc.—Dewey.
 *Buffalo Livestock Commission Co.—Buf-falo.
 *Cherokee Sales Co.—Cherokee.
 *Community Auction Sale—Vinita.
 *Durant Livestock Commission Co.—Durant.
 *Farmers Livestock Comm. Co.—Enid.
 *Grove Sales Co.—Grove.
 *Guymon Livestock Commission Co.—Guymon.
 *Holton Bros. Stockyards—Hugo.
 *Hominy Sale Co.—Hominy.
 *Hugo Sales Commission Co.—Hugo.
 *Idabel Livestock Commission Co.—Idabel.
 *Jay Sale—Jay.
 *Locust Grove Sale—Locust Grove.
 *Maxson Sales Co., Inc.—Welch.
 *Muskogee Stockyard & Livestock Sale—Muskogee.
 *Osage County Sales Ring—Fairfax.
 *Pawhuska Auction Livestock Market—Pawhuska.
 *Selling Sales Assn., Inc.—Selling.
 *Shawnee Sale Barn—Shawnee.
 *Sparkman Livestock Sale—Elk City.
 *Stigler Livestock Auction—Stigler.
 *Tahlequah Sale Barn—Tahlequah.
 *Tecomseh Community Sale—Tecomseh.
 *Texhoma Livestock Commission Co., Inc.—Texhoma.
 *Vinita Stockyards Auction Co.—Vinita.
 *Waurika Auction Sale—Waurika.
 *Woodward Livestock Commission Co.—Woodward.

OREGON

Ab's Slaughterhouse—Sherwood.
 *Brahs Auction Market—Corvallis.
 *Coos-Curry Livestock Auction—Bandon.
 *Douglas Livestock Market—Wilbur.
 *Enterprise Livestock Auction Co.—Enter-prise.
 *Forest Grove Auction—Forest Grove.
 *Hermiston Livestock Commission Co.—Hermiston.
 *Klamath Cattle Sales—Klamath Falls.
 *Klamath Stockmen's Commission, Inc.—Klamath Falls.
 *Madras Livestock Auction Market—Madras.
 *McMinnville Auction Yard—McMinn-ville.
 *Midway Auction Co.—Medford.
 *Northwestern Livestock Commission Co.—Hermiston.
 *Ontario Livestock Commission Co.—Ontario.

*Redmond Auction Yard—Redmond.
 *Schricker & Inda Livestock Auction—Sutherlin.
 *South Oregon Livestock Auction Co.—Medford.
 *Union Livestock Commission Co.—Nyssa.
 *Vale Livestock Commission Co.—Vale.
 *Valley Livestock Sale—Lebanon.
 *Walter's Auction, Lynn—Clackamas.

PENNSYLVANIA

Auction Barn—Monroeville.
 Barnsley Sales—Oxford.
 Carlisle Livestock Market—Carlisle.
 Chesley's Livestock Market—North East.
 Danville Livestock Market, Inc.—Danville.
 Eighty-four Auction Sales, Inc.—Eighty-four.
 Enon Valley Community Sales—Enon Valley.
 Exton Livestock Auction, Inc.—Exton.
 Farmers Market & Auction—Ephrata.
 Fayette Stockyard Co.—Uniontown.
 Gilbertsville Sales Stables—Gilbertsville.
 Greenville Livestock Market, Inc.—Green-ville.
 Hatfield Livestock Market—Hatfield.
 Hickory Auction—Hickory.
 Indiana Livestock Market, Inc.—Homer City.
 Kennett Auction Co., Inc.—Kennett Square.
 Knoxville Sales, Inc.—Knoxville.
 Krumsville Livestock Auction—Krum-sville.
 Lebanon Valley Livestock Market, Inc.—Fredericksburg.
 Leesport Livestock Market—Leesport.
 Mason-Dixon Livestock Market, Inc.—Stewartstown.
 Meadville Livestock Auction—Saegertown.
 Middleburg Auction Sales, Inc.—Middle-burg.
 Montague Livestock Auction—Union City.
 Mount Cobb Auction Sales—Hamlin.
 New Wilmington Livestock Auction—New Wilmington.
 Nicholson Sales Co.—Nicholson.
 Payne's Livestock Market—Jamestown.
 Penna Valley Sales Barn—Centre Hall.
 Pennsylvania Livestock Auction, Inc.—Waynesburg.
 Perkiomenville Sales Stables—Perkiomen-ville.
 Quakertown Sales Co.—Quakertown.
 Showalter Livestock Exchange—Duncans-ville.
 Silver Springs Livestock Market—Mechan-icsburg.
 Teel & Bunnell Auction Sale—Tunkhan-nock.
 Tri-County Livestock Auction—Brockway.
 Troy Sales Cooperative—Troy.
 Valley Stock Yards, Inc.—Athens.
 Vintage Sales Stables, Inc.—Paradise.
 Wayne County Livestock Exchange, Inc.—Honesdale.
 Wyalusing Sales Co.—Wyalusing.
 York Livestock Market, Inc.—Thomasville.

SOUTH CAROLINA

*Bruce & Co., P. L.—Greenville.
 *Cheasnee Livestock Co.—Cheasnee.
 *J. W. Coder Co.—Columbia.
 *Edgefield County Stock Yards—Edgefield.
 *Florence Auction Market—Florence.
 *Florence Union Stock Yards—Florence.
 *Greenwood Stock Yard—Greenwood.
 *Hallman-Jackson Stockyard—Neeses.
 *Harper Livestock Co.—Estill.
 *Herdson Stock Yards—Ehrhardt.
 *Hutto Stock Yard, Inc.—Holly Hill.
 *Johnston, C. L.—Honea Path.
 *Lenox Stock Yards—Bennettsville.
 *Pageland Livestock Barn—Pageland.
 *People's Livestock Market—Orangeburg.
 *Pickens Auction Market—Pickens.
 *Rock Hill Sales Barn—Rock Hill.
 *Saluda County Stockyard, Inc.—Saluda.
 *Smith Stock Yard—Columbia.
 *Smith Stock Yard Co. No. 2—Columbia.
 *Spartanburg Livestock Yards—Spartan-burg.

*Springfield Stockyards—Springfield.
 *Taylor Stockyards, Inc.—Anderson.
 *Union County Stock Yard—Union.
 *Walterboro Stockyards Co.—Walterboro.
 *Williams Livestock Yard—Tabor City.
 *York County Stockyards, Inc.—York.

SOUTH DAKOTA

*Aberdeen Livestock Sales Co.—Aberdeen.
 *Anderson Livestock Sales Co.—Yankton.
 *Belle Fourche Livestock Exchange—Belle Fourche.
 *Bowdle Livestock Commission Co.—Bowdle.
 *Britton Sales Pavilion, Inc.—Britton.
 *Canton Livestock Sales Co.—Canton.
 *Chamberlain Livestock Sales, Inc.—Chamberlain.
 *Cresbard Sales Co.—Cresbard.
 *Eureka Livestock Sales Co., Inc.—Eureka.
 *Herreid Livestock Commission Co.—Herreid.
 *Hub City Livestock Sales Pavilion—Aberdeen.
 *Lemmon Livestock Sales Co.—Lemmon.
 *Leola Livestock Sales Co.—Leola.
 *McLaughlin Commission Co.—McLaughlin.
 *Mobridge Commission Co.—Mobridge.
 *Phillip Livestock Auction—Phillip.
 *Selby Livestock Sales Co., Inc.—Selby.
 *Sisseton Livestock Sales Co.—Sisseton.
 *Stockmans Commission Co., Inc.—Rapid City.
 *Sturgis Livestock Exchange, Inc.—Sturgis.
 *Timber Lake Livestock Sales Co.—Timber Lake.
 *Tri-County Commission Co., Inc.—Faith.
 *Webster Livestock Exchange, Inc.—Webster.

TENNESSEE

*Athens Livestock Co.—Athens.
 *Beasley Community Auction—Franklin.
 *Botts-Evans Livestock Co.—Union City.
 *Bryan Brothers Livestock Market—Decherd.
 *Chattanooga Union Stockyards—Chattanooga.
 *Clinton Livestock Market—Clinton.
 *Clarksville Livestock Auction Co.—Clarksville.
 *Coffee County Livestock Market—Manchester.
 *Collierville Auction Co.—Collierville.
 *Cookeville Livestock Co.—Cookeville.
 *Covington Sales Barn—Covington.
 *Cross Roads Sales Barn—Middleton.
 *Cumberland City Auction Co.—Cumberland City.
 *Davis & Son Stockyard, W. B.—South Fulton.
 *Davis Livestock Auction, M. H.—Hartsville.
 *Dayton Livestock Co.—Dayton.
 *DeKalb County Commission Co.—Alexandria.
 *Farmers Auction Co.—Fayetteville.
 *Farmers Commission Co.—Carthage.
 *Farmers Livestock Commission Co.—Camden.
 *Farmers Livestock Exchange—Tiptonville.
 *Farmers Livestock Exchange—Union City.
 *Farmers Livestock Market—Greeneville.
 *Farmers Stockyard—Newport.
 *Fayetteville Stockyards—Fayetteville.
 *Franklin Auction Barn, Inc.—Franklin.
 *Gallatin Livestock Market—Gallatin.
 *Giles County Stockyard—Pulaski.
 *Greeneville Livestock Co.—Greeneville.
 *Halls Stockyards, Inc.—Crossville.
 *Hardin County Stockyards—Savannah.
 *Henderson Sale Co.—Henderson.
 *Jackson Packing Co.—Jackson.
 *Jackson County Commission Co.—Gainesboro.
 *Jamestown Stockyards—Jamestown.
 *Johnson City Livestock Market—Johnson City.
 *Kennett-Murray-Latta—Fulton.
 *Kingsport Livestock Market—Kingsport.
 *Kirk Auction Co.—Cleveland.

*Lawrence County Stockyards—Lawrenceburg.
 *Lewis County Stockyards—Hohenwald.
 *Lexington Livestock Sales Co.—Lexington.
 *Logan & Hicks—South Fulton.
 *Logan & Hicks—Union City.
 *Macon County Livestock Market—Lafayette.
 *Madisonville Livestock Auction Co.—Madisonville.
 *Mid-South Livestock Commission Co.—Columbia.
 *Morristown Stockyards—Morristown.
 *Murfreesboro Livestock Market—Murfreesboro.
 *Newbern Sales Co.—Newbern.
 *Newport Livestock Auction Co.—Newport.
 *New Tazewell Stockyards—New Tazewell.
 *Nichols Bros. Livestock Market—Thompson Station.
 *O'Neal Stockyard, Sam—Chattanooga.
 *Paris Livestock Commission Co.—Paris.
 *Patterson & McCaleb—Bradford.
 *Peoples Livestock Co.—Cookeville.
 *Pulaski Stockyards—Pulaski.
 *Richardson Livestock Co., E. L.—Dyer.
 *Rogersville Livestock Market—Rogersville.
 *Scotts Hill Auction Co.—Scotts Hill.
 *Shelbyville Livestock Market—Shelbyville.
 *Smith County Commission Co.—Carthage.
 *Smithville Stockyards—Smithville.
 *Southwestern Sales Co.—Huntington.
 *Sparta Livestock Market—Sparta.
 *Thompson Livestock Co.—Obion.
 *Thompson & Oliver Livestock Dealers—Union City.
 *Tigrett Sales Co., Inc.—Tigrett.
 *Trenton Livestock Sales Co.—Trenton.
 *Tri-County Stockyards—McKenzie.
 *Trousdale County Livestock Market—Hartsville.
 *Troy Stockyards—Troy.
 *Union Livestock Yards, Inc.—Knoxville.
 *Viola Stockyard, Inc.—Viola.
 *Warren County Livestock—McMinnville.
 *West Tennessee Auction Co.—Martin.
 *White County Livestock Market—Sparta.
 *Wilson County Livestock Market—Lebanon.
 *Wilson's Livestock Market—Lewisburg.

TEXAS

*Amarillo Livestock Auction Co. and Western Stockyard Co.—Amarillo.
 *Dalhart Auction Co.—Dalhart.
 *Farmers and Ranchers Livestock Commission Co.—Paris.
 *Gainesville Livestock Auction Sale—Gainesville.
 *Hereford Livestock Auction Co.—Hereford.
 *Mid West Feed Yards—San Angelo.
 *Morris Comm. Co., J. C. (po boy)—Douglassville.
 *Owen Brothers Auction Co.—Texarkana.
 *Owens Bros. Livestock Market—Texarkana.
 *Paris Livestock Commission Co. #1—Paris.
 *Paris Livestock Commission Co. #2—Paris.
 *Quanah Livestock Comm. Co.—Quanah.
 *San Angelo Livestock Auction Co. & West Texas—San Angelo.
 *Vernon Stockyard Co.—Vernon.
 *Wichita Falls Stockyards Co.—Wichita Falls.

UTAH

*Delta Livestock Auction Co.—Delta.
 *Richfield Auction Market—Richfield.
 *Salina Auction—Salina.
 *Spanish Fork Livestock Auction Co.—Spanish Fork.
 *Utah Sales Barn—Roosevelt.
 *Utah Valley Auction—Spanish Fork.
 *Vernal Livestock Auction Co.—Vernal.

VERMONT

*Chickering Livestock Corp.—Westminster.
 *East Thetford Commission Sale—East Thetford.
 *Vergennes Livestock Commission Sale—Vergennes.

VIRGINIA

*Abingdon Livestock Market—Abingdon.
 *Bedford Livestock Market, Inc.—Bedford.
 *Big Stone Gap Livestock Market—Big Stone Gap.
 *Christiansburg Livestock Market, Inc.—Christiansburg.
 *Covington Stockyards Inc.—Covington.
 *Danville Livestock Auction Market—Danville.
 *Farmers Livestock Exchange—Winchester.
 *Farmers Livestock Market—Ewing.
 *Farmers Livestock Market, Inc.—Bristol.
 *Front Royal Livestock Market—Front Royal.
 *Galax Livestock Market—Galax.
 *Giles County Stockyards, Inc.—Narrows.
 *Highland County Livestock Market, Inc.—Monterey.
 *Lee Farmers Livestock Market, Inc.—Jonesville.
 *Loudoun County Livestock Market—Leesburg.
 *Lynchburg Stockyards, Inc.—Lynchburg.
 *Norton Livestock Market—Norton.
 *Orange Livestock Market—Orange.
 *Phenix Livestock Market—Phenix.
 *Pulaski Livestock Market—Dublin.
 *Roanoke Livestock Market, Inc.—Roanoke.
 *Rockbridge Livestock Market, Inc.—Buena Vista.
 *Rockingham Livestock Sales, Inc.—Harrisonburg.
 *Shenandoah Valley Livestock Market, Inc.—Harrisonburg.
 *Smithfield Livestock Market, Inc.—Smithfield.
 *South Boston Livestock Market—South Boston.
 *South Hill Stockyards—South Hill.
 *Southside Stockyards—Petersburg.
 *Staunton Livestock Market, Inc.—Staunton.
 *Staunton Union Stockyards, Inc.—Staunton.
 *Tazewell Livestock Market—Tazewell.
 *Virginia Livestock Market—Winchester.
 *Woodstock Livestock Market, Inc.—Woodstock.
 *Wytheville Livestock Market, Inc.—Wytheville.

WASHINGTON

*Columbus Basin Livestock Commission Co.—Moses Lake.
 *Grange Comm. & Livestock Co.—Auburn.
 *Hank and Davis Livestock Commission Co.—Cheney.
 *Prosser Sales Yard, Inc.—Prosser.
 *Toppenish Sales Yard—Toppenish.
 *Twin City Sale—Centralia.
 *Walla Walla Livestock Commission Co.—Walla Walla.
 *Wink-Goldendale Sale Yard, Inc.—Goldendale.

WEST VIRGINIA

*Alderson Livestock Market—Alderson.
 *Bluegrass Market, Inc.—Lewisburg.
 *Blueridge Livestock Sales, Inc.—Charles Town.
 *Bridgeport Live Stock Sales Co., Inc.—Bridgeport.
 *Buckhannon Livestock Sales, Inc.—Buckhannon.
 *Evans, E. S. Stockyard Inc.—Terra Alta.
 *Evans Stock Yards, Inc.—Elkins.
 *Gassaway Livestock Market, Inc.—Gassaway.
 *Greenbrier Valley Stock Yards, Inc.—Roncoverte.
 *Hess Livestock Market, Inc., Andy—Morgantown.
 *Huntington Livestock Sales Co.—Huntington.
 *Moundsville Livestock Auction Co.—Moundsville.
 *West Alexander Livestock Auction Market—West Alexander.
 *Weston Livestock Sales Co., Inc.—Weston.
 *Jackson County Livestock Market, Inc.—Ripley.
 *Pt. Pleasant Livestock Co.—Pt. Pleasant.

- *Poncahontas Producers Cooperative Assoc., Inc.—Marlinton.
- *South Branch Stockyard, Inc.—Moorefield.
- *Spencer Live Stock Exchange, Inc.—Spencer.
- *Union Livestock Sales Co.—Parkersburg.

WYOMING

- *Gillette Livestock Exchange—Gillette.
- *Greybull Livestock Commission Co.—Greybull.
- *Lusk Livestock Commission Co.—Lusk.
- *Torrington Livestock Commission Co.—Torrington.
- *Lander Livestock Commission Stockyards—Lander.
- *Riverton Livestock Auction—Riverton.
- *Sheridan Livestock Commission Co.—Sheridan.
- *Worland Livestock Commission Co.—Worland.

§ 78.15 *Slaughtering establishments.*
(a) Information with respect to the slaughtering establishments operating under the provisions of the Meat Inspection Act of March 4, 1907, may be obtained from the Meat Inspection Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., and from the Federal Inspectors and State Inspectors.

(b) The following slaughtering establishments preceded by an asterisk are specifically approved for the purposes of § 78.5 concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 concerning cattle not known to be affected with brucellosis. The following slaughtering establishments not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only.

Name of Slaughtering Establishment and Location	Location
ALABAMA	
Bartel's Frozen Food—Atmore.	Atmore.
*Beasley Packing Co.—Andalusia.	Andalusia.
*Brewton Abattoir—Brewton.	Brewton.
Brock-Moseley Packing Co.—Loxley.	Loxley.
*East Alabama Frozen Foods and Provisions Co.—Opelika.	Opelika.
Florence Packing Co.—Florence.	Florence.
Florence Frozen Foods Slaughtering Establishment—Florence.	Florence.
Greensboro Packing Co.—Greensboro.	Greensboro.
*Haas-Davis Packing Co., Inc.—Mobile.	Mobile.
Hinote Packing Plant—Loxley.	Loxley.
*Leeds Packing Co., Inc.—Leeds.	Leeds.
*Morgan Packing Co.—Tuscaloosa.	Tuscaloosa.
Valley Pride Packing Co., Inc.—Huntsville.	Huntsville.
Williams Packing Co.—Gadsden.	Gadsden.
*Zeigler, Inc., R. L.—Selma.	Selma.
*Zeigler, Inc., R. L.—Tuscaloosa.	Tuscaloosa.

ARIZONA

- Arizona Meat Packers—Tucson.
- Beverly Meat Co.—Tucson.
- C & C Meat Co.—Phoenix.
- Crescent Packing Co.—Scottsdale.
- Henneth Meat Packers—Phoenix.
- Mariocopa Packing Co.—Phoenix.
- OK Meat Co.—Phoenix.
- O. K. Meat Co.—Scottsdale.
- Paramount Packing Co.—Casa Grande.
- Safford Packing Co.—Safford.
- Southwest Meat Co.—Yuma.
- Tempe Meat Co.—Tempe.
- Town & Country Packing Co.—Mesa.

ARKANSAS

- Arkansas Nielsen Meat Co.—Fayetteville.
- Boswell, Wholesale & Retail, R. O.—Camden.
- Brown Packing Co.—Wynne.
- Broadway Packing Co.—Jonesboro.

- Brown Calhoun General Merchandise—Monticello.

- *Brown, Kelton Wholesale Meats—Little Rock.

- *Brown Packing Co., Inc.—Little Rock.
- *Burton, Roy—North Little Rock.
- Butchers Wholesale Meats—Camden.
- Carroll Packing Co.—Paragould.
- Charleston Frozen Foods and Locker Plant—Charleston.

- *City Abattoir—Ft. Smith.
- Columbia Packing Co.—Magnolia.
- Drew County Frozen Foods—Monticello.
- Dunn Slaughter House, John—DeQueen.
- *Finkbelmer Packing Co.—Pine Bluff.
- Finks Meat Co.—Springdale.
- Finn Slaughter House—Rogers.
- Fletcher Beef Co., Jim—Fayetteville.
- Frey & Son, Philip—Ivan.
- Gude Packing Co.—Blytheville.
- *Heim Brothers—Little Rock.
- Hi-Lo Provision Co.—El Dorado.
- Hoovers Slaughter House, Jack—Murfreesboro.

- Hot Springs Packing Co.—Hot Springs.
- Huber Slaughter Plant—Subiaco.
- *Hughes Sausage Co.—North Little Rock.
- Hunt, Leo and Ryburn—Pine Bluff.
- Hylton Slaughter—Springdale.
- Kents Wholesale Meats—Hamburg.
- Klerre & Sons—North Little Rock.
- Kranc Meat Market—Ozark.
- *Krusse Meat Co.—Alexander.
- Krusse Packing Co.—Alexander.
- Lawhon Meat Co., C. L.—North Little Rock.
- Lawton Wholesale Meats—Warren.
- *Little Rock Packing Co.—Little Rock.
- Lowell Packing Co.—Lowell.
- *Lowery Brothers—North Little Rock.
- *Malone Packing Co.—Texarkana.
- McKlevers Wholesale Meats—Monticello.
- *Meacham Meat Market—Batesville.
- *Melbourne Locker Plant—Melbourne.
- Mhoon Beef Co.—Fayetteville.
- Mo-Ark Packing Co.—Harrison.
- Morrilton Packing Co.—Morrilton.
- *North Side Packing Co.—North Little Rock.

- Owens Wholesale Butcher & Slaughtering, O. E.—Pearcy.
- Phillips Packing Co.—Magnolia.
- Pitchford Market—Hartford.
- Polk County Locker Plant—Mena.
- Prairie Grove Locker Plant—Prairie Grove.
- *Prickett Packing Co.—Batesville.
- Pruett Meat Market—Batesville.
- Redd Slaughter House—Harrisburg.
- Reed Packing Co.—Pine Bluff.
- Reeder Meat Co.—Arkadelphia.
- Robinson Packing Co.—Booneville.
- Russellville Packing Co.—Russellville.
- Saint Scholastica—Fort Smith.
- Saline Packing Co.—Benton.
- Schelle Slaughter House—Paris.
- Southwestern Packing Co.—Hope.
- Stearne Slaughter Plant, Carl—Springdale.
- *Stephens Meat Co.—Pine Bluff.
- Sutherland Slaughter House—Springdale.
- Taylor Brothers Wholesale Meats—Gurdon.
- Turners Grocery and Market—Rison.
- Ward Packing Co.—Stamps.
- Wards Packing Co.—Texarkana.
- Webb Packing Co.—Helena.
- *Western Meat Packers, Inc.—Little Rock.
- Whites Slaughter House—Warren.
- Williams Slaughter—Nashville.

CALIFORNIA

- *Allen's Meat Products Co.—San Francisco.
- *Alpha Beta Packing Co.—Huntington Beach.
- *Alta Meat Co.—Dinuba.
- *Arnopolis Meat Co.—Modesto.
- *Atwater Meat Co.—Atwater.
- *Avila Meat Co.—Gustine.
- *Brennan Meat Co.—Tulare.
- *Butler Brothers—Yountville.
- *Canziani, N.—San Rafael.
- *Castro, P. L.—Richmond.
- *Chico Meat Co., Inc.—Chico.

- *Christie, A. W.—Easex.
- *Cottonwood Dressed Beef—Cottonwood.
- *Crum Meat Co.—McArthur.
- *Cuyamaca Meats, Inc.—El Cajon.
- *Diamond Meat Co.—Kerman.
- *Elk Grove Meat Co.—Elk Grove.
- *Ewart Meat Co., Thos. G.—Healdsburg.
- *Felder & Son, Joe—Napa.
- *Ferrara Meat Co.—San Jose.
- *Fresno Meat Packing Co.—Fresno.
- *Hill Top Meat Co.—Roseville.
- *Hohener, Ernest—San Leandro.
- *Johnson, Inc., J. G.—San Francisco.
- *Keller Brothers—St. Helena.
- *Kern Valley Packing Co.—Bakersfield.
- *Klapp's Packing House Market—Ontario.
- *Klubniken Packing Co.—Vernon.
- *Langer & Kretner—Eureka.
- *Lewis & McDermott—Berkeley.
- *Marysville Meat Packing Co.—Marysville.
- *Modesto Meat Co.—Modesto.
- *Moller & Sons, H.—Pleasanton.
- *Naylor, S. E.—Soledad.
- *Nelson Meat Co.—San Jose.
- *Nunes & Styron Meat Co., Inc.—San Miguel.

- *Orvis & Clinger, Inc.—Stockton.
- *Pacific Packing Co.—Gazelle.
- *Palace Market—Fresno.
- *Palace Market—Stockton.
- *Palo Verde Meat Packing House—Blythe.
- *Panizzera, C. V.—Occidental.
- *Port Stockton Sausage Co.—Stockton.
- *Port Stockton Sausage Co.—Oakdale.
- *Prime Meat Products—Ukiah.
- *Pure Sausage & Meat Co.—Lodi.
- *Quong Wah Yuen—Stockton.
- *Redwood Meat Co.—Eureka.
- *Rosen Meat Packing Co., Inc.—Vernon.
- *Russ Meat Co.—Eureka.
- *S & S Locker Plant—Thornton.
- *San Luis Meat Co.—San Luis Obispo.
- *Santa Ana Packing Co.—Santa Ana.
- *Santa Maria Meat Co.—Santa Maria.
- *Scotia Packing Co. & Locker Storage—Scotia.
- *Sebastopol Meat Co.—Petaluma.
- *Sierra Dressed Meat Co.—Auburn.
- *Smith Packing Co.—San Bernardino.
- *Sonoma Meat Co.—Sonoma.
- *Stoeven Brothers—Dixon.
- *Stornetta Brothers—Point Arena.
- *Susanville Meat Co.—Susanville.
- *Taaffe & Co., Inc., Wm.—San Francisco.
- *Talone Packing Co.—Escondido.
- *Temecula Meat Packing House—Temecula.
- *Temme's Prepared Foods—Stockton.
- *Turlock Meat Co.—Turlock.
- *Ventura Meat Packing, Inc.—Saticoy.
- *Victor Valley Packing Co.—Victorville.
- *Walker's Market, Inc.—Upland.
- *Walnut Creek Meat Co.—Walnut Creek.
- *West Coast Meat Co.—Alvarado.
- *Western Food Products—Stockton.
- *Wright Packing Co.—National City.
- *Yettner Brothers—Fort Bragg.
- *Zeff, B.—Modesto.

COLORADO

- *A & C Packing Co.—La Salle.
- *Altburger, Louis—Denver.
- *Arvada Packing Co.—Arvada.
- *Basin Packing Co.—Durango.
- *Colorado Packing Co., Inc.—La Junta.
- *Cortez Packing Co.—Cortez.
- *Loveland Packing Co., Inc.—Loveland.
- *Mountain Packing Co.—Dolores.
- *Ovid Locker Plant—Ovid.
- *Pavetti Sausage Co.—Trinidad.

CONNECTICUT

- Andrychowski, Emil and John—Williamantic.
- *Baker, Ellis D.—Torrington.
- *Belt Brothers—Norwich.
- Block, Benjamin—Shelton.
- *Bridgeport Municipal Abattoir—Bridgeport.
- *Clark, L. W.—Danbury.

*Connecticut Packing Co.—Bloomfield.
 *Connecticut Veal Co.—Beacon Falls.
 *Double A Packing Co.—Waterbury.
 *Forte, J. F.—Branford.
 *Freeman, Myer—New London.
 *Goldberg, Daniel—Colchester.
 *Hartford Provision Co.—Hartford.
 *Hartford Provision Co.—Stafford Springs.
 *Hertz Brothers—Norwich.
 *Longhi, Edward—Torrington.
 *Manchester Beef Co.—Manchester.
 *New Haven Rendering Co.—West Haven.
 *Novak, Abe—Danbury.
 *Omaha Beef Co.—Danbury.
 *Shore Line Packing Co.—East Haven.
 *Southington Packing Co.—Southington.
 *Waterbury Butchering Co.—Waterbury.
 *Zeffiro, Frank—New Hartford.

DELAWARE

Goldberg Brothers, Inc.—Wilmington.
 Hendler, Sidney—Wilmington.
 Kemps Meats—Wyoming.
 Koster's Frozen Food Lockers—Laurel.
 Messina, Anthony G.—Wilmington.
 Platt, Isadore—Wilmington.
 Poore's Meat Market—Smyrna.
 Torbert Brothers—Fulton.
 Townsend Locker Plant—Townsend.
 Wessel, Harry—Wyoming.
 White Packing Co.—Lewes.
 Woerner and Souder—New Castle.

FLORIDA

*Beesley Packing Co. of Florida—Pensacola.
 Brock & Burdshaw Packing Co.—Pensacola.
 *Carpenter Slaughter House—Bristol.
 *Central Packing Co.—Center Hill.
 *Copeland Sausage Co., Inc.—Alachua.
 *Dirr Sausage Factory, Inc.—Miami.
 *Farris & Co.—Jacksonville.
 *Florida Sausage Co., Inc.—Pensacola.
 *Gertner Co.—Gainesville.
 *Gold Merit Packing Co., Inc.—Jacksonville.
 *Gotham Provision Co., Inc.—Miami Springs.
 *Hawkins Wholesale Meats, E. M.—East Palatka.
 *Hendry Brothers Packing—Tampa.
 *Hickory Hill Meat Packers, Inc.—Tampa.
 *Hygrade Food Products Corp.—Hialeah.
 *Jackson Packing Co.—Marianna.
 *Jones Chambliss Co.—Jacksonville.
 *Loeb & Gottfried—Hialeah.
 *Lykes Brothers, Inc.—Tampa.
 *Meat Supply Co.—Pensacola.
 *Oakland Meat Packing—St. Landersdale.
 Register Meat Co., Establishment No. 6—Cottondale.
 *Register Meat Co., Inc.—Cottondale.
 Suwannee Packing Co.—Live Oak.
 *Tobias Packing Co.—Chipley.

GEORGIA

Akridge Sausage Co.—Rome.
 Avera Provisions Co.—Augusta.
 Bearden Provisions Co., Inc.—Calhoun.
 *Beavers Packing Co.—Newman.
 Brooks County Packing Co., Inc.—Quitman.
 Bullards Sausage Plant—Summersville.
 Carroll Packing Co.—Valdosta.
 *City Abattoir—Albany.
 Cochran Provision Co.—Dublin.
 Duffey Sausage Co.—Carrollton.
 Evans Locker Plant—Evans.
 Harrell Sausage Co.—Bainbridge.
 Levinson Bros., Inc.—Rome.
 Lowell Packing Co.—Fitzgerald.
 *Meddin Packing Co.—Savannah.
 *Pioneer Provision—Atlanta.
 Powell Meat Co.—Bainbridge.
 Rome Provisions Co., Inc.—Rome.
 *Scott Meat Packers—Augusta.
 *Simpson Provision Co., Inc.—Fayetteville.
 *Southern Foods, Inc.—Columbus.
 *United Butchers Abattoir, Inc.—Atlanta.
 Valdosta Abattoir Co., Inc.—Valdosta.
 Wiggers Packers—Columbus.
 Wofford Abattoir—Gainesville.

IDAHO

*B & M Packing Co.—Burley.
 *Boise Valley Packing Co.—Eagle.
 *Bryant Packing Co.—Burley.
 *Carter Packing Co.—Buhl.
 City Meat Market—Wallace.
 *City Packing Co.—Salmon.
 *Custom Meat Co.—Boise.
 *Custom Packing Co.—Twin Falls.
 Dahmen Food Lockers—Lewiston.
 *Davis Packing Co.—Boise.
 *Douglas Miller Packing Plant—Rupert.
 *Grimes Packing Co.—Nampa.
 Ideal Slaughtering Establishment—Eagle.
 *Independent Meat Co., Inc.—Twin Falls.
 *Johnson Packing Co.—Blackfoot.
 Johnston Brothers—Caldwell.
 *Knudson Packing Co.—Preston.
 *Kookan Slaughter Plant—Pocatello.
 *Liberty Meat Packers—Eagle.
 *Moscow Meat Co.—Moscow.
 *Owyhee Meat Packers—Homedale.
 Penguin Lockers—New Plymouth.
 *Peoples Market Plant—Pocatello.
 *People's Wholesale Market—Idaho Falls.
 *Taylor Meat Co.—Idaho Falls.
 *Tiffany Meat Packers—Nampa.
 *Wallace Meat Co.—Wallace.
 Williams Custom Service—Council.
 *Y-J Packing Co.—Coeur d'Alene.
 *York Packing Co.—Twin Falls.
 *Zweigart Packing Corp.—Pocatello.

ILLINOIS

Bartlow Brothers, Inc.—Rushville.
 Behrman Market—Okawville.
 Bergman Meat Packing Co., Inc.—Pittsfield.
 Brighton Locker Plant—Brighton.
 Burnside & Sons, L.—Marengo.
 Callahan & Co.—Peoria.
 Covemaker Packing Co.—Moline.
 Cowperthwaite Super Market—Bushnell.
 Curby's Butcher Shop—Beaverville.
 Dintelmans' Wye Market—Marissa.
 Ducey & Son, Mike—Pittsfield.
 DuQuoin Packing Co.—DuQuoin.
 Eckert Orchard Association—Belleville.
 Elmwood Locker Service—Elmwood.
 Eversgerd, Henry J.—Germantown.
 Foremost Packing Co.—East Moline.
 Goble, Howard—Danville.
 Hamilton Locker Service—Hamilton.
 Hansen's Meat Processing Plant—Freeport.
 Hauffe's Meat Market—Lincoln.
 Hill Packing Co.—Danville.
 Houchiel Meat Market—Sorento.
 Humphrey Packing Co.—Lawrenceville.
 Ingalls Frozen Food Center—Milford.
 Jones, Marshall E.—Springfield.
 Jones Packing Co.—Harvard.
 Johannes Market—Quincy.
 Kabrick Locker Plant—Plainville.
 C. Kunkel Packing and Provision Co.—Quincy.
 L & M Slaughter House—Georgetown.
 Landolt, Harold—Alhambra.
 Lewistown Locker—Lewistown.
 Lord, C. R.—Olney.
 Madison Packing Co.—Madison.
 Magelli Bros., Inc.—Marseilles.
 Margolin Packing Co.—Danville.
 McLain's Locker Plant—Warren.
 Metamora Abattoir—Metamora.
 Mounds Locker Service—Mounds.
 Noble Locker—Noble.
 Pasquo Podeschi—Taylorville.
 Parks Processing Plant—Warren.
 Petroff Packing Co.—Benton.
 Prairie Packing Co.—Carlinville.
 Prairie Packing Co. of Marion—Marion.
 Quincy Beef & Veal Co.—Quincy.
 Raber Packing Co.—Peoria.
 Raleigh Packing Co.—Raleigh.
 Richard Locker & Processing Plant—Homer.
 Rock River Provision Co.—Rock Falls.
 Rocke's Cold Storage—Morton.
 Ruff Locker Service—Quincy.
 Shanks Packing—Mattoon.
 Smith Packing Co.—Harrisburg.
 Streck Packing Co.—Belleville.

Ursa Cooperative Locker Service—Ursa.
 Virginia Packing Co.—Virginia.
 Wessel Bros., Inc.—Belleville.
 West Frankfort Packing Co.—West Frankfort.
 Weyhaupt Bros. Pkg. Co.—Belleville.
 Wunderlich Packing Co.—Sharon.
 Y & T Packing Co.—Springfield.
 Young's Packing Co., Inc.—Decatur.

INDIANA

Albany Frozen Food Locker—Albany.
 All Valley Meat Supply—Terre Haute.
 Allen's Monticello Packing Co.—Monticello.
 Auburn Packing Plant—Auburn.
 Bailey Slaughter House—Fort Wayne.
 Berne Locker Storage—Berne.
 Betullus Slaughterhouse—Haubstadt.
 Bickmeier & Son—Boonville.
 Blinzinger's Market—Tell City.
 Bloomington Packing Co., Inc.—Bloomington.
 Bobay's Slaughter House—Fort Wayne.
 Boone County Packing Co.—Lebanon.
 Bowman's Butchering House—Peru.
 Boyer Lockers—New Washington.
 Buchanan Processing Plant—Mt. Vernon.
 Camiel Cousens—Granger.
 City Meat Market—Boonville.
 Clark and Moore Processing Plant RR No. 3—Monticello.
 Collins, Raymond—Poland.
 Columbia Packing Co., Inc.—Hammond.
 Corbin Food Lockers—Brownsburg.
 Covington Food Lockers—Covington.
 Covington Food Lockers—Covington.
 Daniels Brothers, Inc.—Columbus City.
 Denny & Barker, Inc.—Huntington.
 Denver Locker Plant—Denver.
 Denzler Locker Plant—Denver.
 Devig Brothers Packing Co.—Haubstadt.
 Dimett Packing Co.—Kokomo.
 Ditzler Locker Co.—Peru.
 Eel River Packing Co.—Jamestown.
 Elkhart Packing Corp.—Elkhart.
 Endres Packing Co.—New Albany.
 Fender, Russell Ted—Spencer.
 Fisher Packing Co.—Portland.
 Fitzsimons Market—Roachdale.
 Forest Helm Market—Winchester.
 Frankfort Provision Co.—Frankfort.
 Franklin Slaughter House—Wabash.
 Frankton Provision Co., Inc.—Frankton.
 Freeman & Son Locker Plant—Worthington.
 Frozen Food Service, Inc.—Salem.
 Gerber Supermarket, Inc.—Decatur.
 Gilbert Slaughter House—Van Buren.
 Godfrey's Plant, R. R. No. 3—Brazil.
 Goff, Inc.—Pendleton.
 Greenfield Abattoir, Inc.—Greenfield.
 Green Valley Slaughterhouse—Brownsburg.
 Grundhoefer & Sons Packing Co.—Dale.
 Gustin Slaughter House—Antwerp.
 Gutzweller Packing Co.—Jasper.
 Hamilton Locker Plant—Hamilton.
 Hand, Kenneth Slaughter House—Angola.
 Hand's Market—Angola.
 Harris, Sam Packing Co.—Crawfordsville.
 Hastings Slaughter House—Martinsville.
 Hickory Hills Processing Plant—Spencer.
 Hill Top Packing Co.—Huntingburg.
 Hitch Slaughterhouse—Princeton.
 Hollar Market—Nappanee.
 *Hoosier Abattoir—Indianapolis.
 Hunter Locker Plant—Converse.
 Janert Packing Co., Inc.—Indianapolis.
 Johnson County Farm Bureau Co-op Ass'n, Inc.—Franklin.
 Jones Custom Butchering—Zionsville.
 Kaiser Meat Market—Cedar Grove.
 Klinedinst Packing Co.—Walkerton.
 Knight's Frozen Food Locker—Edinburg.
 Kniper, Christ Packing—Lowell.
 Laurens Packing Co., Guy—Fort Wayne.
 Lengerich Slaughter House—Monroe.
 Lennon's Custom Butchering—Hartford City.
 Lester Packing Co.—Linton.
 Livengood Meat Shop—Lebanon.
 Long Slaughterhouse—Winslow.
 Ludwigs Food Town—Dunkirk.

Lutz Packing Co.—Indianapolis.
 Marburger Abattoir—Peru.
 Martin Brothers Meatland—Goshen.
 Mast Market—Angola.
 Merkely & Sons, Inc.—Jasper.
 Mishler Packing Co.—Lagrange.
 Mock, G. F.—Leavenworth.
 Moore Packing—Gary.
 Mooresville Packing Co.—Mooresville.
 Neal Packing Co.—Crawfordsville.
 Ness, J. E. & Sons Packing Plant—North Judson.
 Orth Slaughterhouse—Mt. Vernon.
 Ossian Locker Plant—Ossian.
 Parrot Packing Co.—Fort Wayne.
 Price's Abattoir, Walter—Plymouth.
 Puckette Abattoir—Winchester.
 Quick Freeze Locker Service Abattoir—Madison.
 Rahe & Sons, William J.—Muncie.
 Rockville Packing Co.—Rockville.
 Ross Packing Co.—Indianapolis.
 Rose City Packing Co., Inc.—New Castle.
 Rowe & Sons, A.—Terre Haute.
 Roy's Packing Plant—Elkhart.
 Sanitary Main Meat Market—Brookville.
 Schmitt, H. P. Locker Service—Decatur.
 Schnelker Slaughter House—New Haven.
 Schuler Packing Co.—Ferdinand.
 Sellersburg Locker Co.—Sellersburg.
 Shackelford, W. E.—Owensville.
 Shinn Slaughterhouse—Mentone.
 Sievers, Lester—Vincennes.
 Sievers, Louis—Vincennes.
 Snelly's—Angola.
 South Side Butchers—Indianapolis.
 Stahl Packing Co.—Evansville.
 Stahley's Slaughterhouse—Milan.
 Standard Packing Co.—Kokomo.
 Straub & Smith Packing Co.—Indianapolis.
 Summers Packing Co.—North Liberty.
 Vale City Packing Co.—Valparaiso.
 Valentine Co., Inc.—Terre Haute.
 Van Wagner Brothers—Angola.
 Van Wagner, Dick—Orland.
 Vetter Meat Co.—Kokomo.
 Vietti Brothers Packing Co.—Clinton.
 *Wabnitz & Deters—Indianapolis.
 Warrick County Frozen Food Lockers—Boonville.
 Weller Packing Co.—Batesville.
 Wenning Packing Co., Inc.—New Salisbury.
 Westfield Frozen Foods—Westfield.
 West's Locker & Slaughter House—Amo.
 Whisler, J. L. & Sons, Inc.—Elkhart.
 Wilcox Brothers—North Liberty.
 Williams, J. B. & Son, Inc.—Walkerton.
 Wolf Meat Market—New Albany.
 Wolf Packing Co.—La Porte.
 Wright Packing Co.—Chandler.
 Wyatt Packing Co.—Wyatt.
 Young Brothers Market—Ladoga.
 Young Packing Co.—Noblesville.
 Zaring Processing Plant—Greencastle.

IOWA

Hawkeye Pack—Sloux City.
 Hilleman Packing Plant—Marshalltown.
 Lamoni Packing Co.—Lamoni.
 Marshall Packing Co.—Marshalltown.
 Nissen & Son Packing Co., Inc., G. B.—Webster City.
 Richard, C. E. & Sons, Inc.—Muscatine.
 Young Processing Plant—Hawarden.

KANSAS

A and H Butchers—Arkansas City.
 *Abilene Packing Co.—Abilene.
 *Adams Bros. Packing Plant—Colby.
 Addington Slaughtering Establishment—Elkhart.
 Anthony Meat—Anthony.
 Ayres Packing Plant—Greenleaf.
 *B and W Packing Plant—Colby.
 Beattie Lockers—Beattie.
 Beverly Meat & Locker, Inc.—Salina.
 Bichelmeyer Slaughterhouse—Kansas City.
 Brooks Locker Service—Blue Rapids.
 Burd Locker and Grocery—Atwood.
 Butcher Packing Co.—Coffeyville.
 C. C. Wurst Locker Service—Grainfield.

*Colby Locker—Colby.
 Coldwater Lockers—Coldwater.
 Columbus Wholesale & Retail Meats—Columbus.
 Comanche Meat Co.—Wichita.
 Community Locker Service—Medicine Lodge.
 Cramer Food Bank—Washington.
 Davenport Meat Plant—Lawrence.
 *Dunn Packing Co.—Valley Falls.
 *Dunn Packing Co.—Wichita.
 Dye Slaughterhouse—Meade.
 Economy Lockers—Sharon Springs.
 Emporia Packing Co.—Emporia.
 *Faneftll Packing Co.—Emporia.
 Fisher Grocery and Locker—Bird City.
 *Fredonia Packing Co.—Fredonia.
 *Ft. Scott Packing Co.—Ft. Scott.
 *Gallagher Processing Co.—Concordia.
 Garden City Packing Co.—Garden City.
 Gardner Packing Co.—Hutchinson.
 Gettle & Sons Lockers—Emporia.
 *Gettle and Sons Lockers—Wichita.
 Glenn's Frozen Food Service—Dighton.
 Grinnell Locker—Grinnell.
 Haag Locker Plant—Fairview.
 Haddam Locker—Haddam.
 Harrell Packing Co.—Hugoton.
 Hentzler Packing Co.—Fairview.
 Hentzler Packing Co.—Topeka.
 Herndon & Sons—Syracuse.
 Hoseney's Dressed Beef—Coffeyville.
 *Houlton Packing Co.—Abilene.
 Howell's Market—St. Francis.
 Independent Slaughter Establishment—Salina.
 Jesco Meat Packers—Caldwell.
 Jones Packing Co.—Dodge City.
 K-12 Meat Co.—Baxter Springs.
 Kane's Packing Plant—Meade.
 Katches Packing Co.—Wichita.
 Kaw Valley Packing Co.—Kansas City.
 Kier Grocery and Market—Mankato.
 Kimmel Packing Co.—Norton.
 Kiowa Locker System—Kiowa.
 Lee Packing Co., C. W.—Portia.
 Liberal Packing Co.—Liberal.
 Louis's Zero Lockers—Girard.
 *M & M Packing Co.—Iola.
 Mathes Meat Co., W. A.—Kansas City.
 McFarren Bros. Wholesale Meats—Lawton.
 Menghini Packing Co.—Frontenac.
 *McLeon Packing Co.—Valley Falls.
 Miller Locker System—Erie.
 Miller Packing Co.—Wilson.
 Modern Market and Lockers—Winona.
 *Moore's Packing House Market—Parsons.
 Old Fashioned Meat Market—De Soto.
 *P and B Packing Co.—Hays.
 Palace Market—St. Francis.
 Phillips Slaughterhouse—Hill City.
 Phillipsburg Lockers—Phillipsburg.
 Pratt Frozen Food Locker—Pratt.
 Ragsdale Grocery—Liberal.
 Rindt Slaughterhouse Co.—Galena.
 Schnelle's Wholesale Meats—Greensburg.
 Snow's Locker Plant—Kansas City.
 Stoney Brothers Slaughterhouse—Herndon.
 *Sunflower Packing Co.—Wichita.
 Swim Lockers Service—Marysville.
 Synovec Grocery & Locker—Morrowville.
 *Thies Packing Co.—Great Bend.
 Tonganoxie Frozen Foods Locker—Tonganoxie.
 Valley Vista Locker Service—Topeka.
 Vlach & Sons (Joseph)—Hanover.
 Washburn Packing Co.—Hutchinson.
 Welch's Frozen Food Center—Frankfort.
 Wilkerson Meat Co.—Pittsburg.
 *Winchester Packing Co.—Hutchinson.
 Winkler's Slaughterhouse—Liberal.
 Wyler Packing Co.—Howard.

KENTUCKY

Alford & Son, J. W.—Alexandria.
 Ashland Meat Co.—Ashland.
 Boone's Abattoir—Bardstown.
 Brown Thompson's & Son—Fancy Farm.
 Campbell Co., S. M.—Gray.
 *Dawson-Spatz Packing Co., Inc.—Louisville.

Eckert Packing Co.—Henderson.
 Emory Gillum Whse. Meats, Inc.—Ashland.
 Field Packing Co.—Bowling Green.
 Field Packing Co., Inc.—Owensboro.
 *Flahachaker Co.—Louisville.
 Henderson Slaughtering—Henderson.
 Jones Packing Co.—Paducah.
 *Klarer Provision Co.—Louisville.
 *Koch Beef Co.—Louisville.
 Layer, C. W.—Louisville.
 *Louisville Beef Co.—Louisville.
 Metzger Bros.—Paducah.
 *Mount Sterling Packing Co.—Mount Sterling.
 Quality Packing Co.—Lexington.
 Rice Packing Co., C.—Covington.
 Riddell Meat Market—Warsaw.
 Riverside Packing Co.—Paducah.
 *Robb Packing Co.—Lexington.
 Schneider & Son, Inc., J. P.—Middlesboro.
 Shroat Meat Market—Murray.
 Waldrup Packing Co.—Blackey.

LOUISIANA

Allen Super Market—Kentwood.
 *Angola Packing House—Angola.
 *Arabi Packing Co., Inc.—Arabi.
 *Autin Packing Co., Inc.—Houma.
 *Berry Slaughter House, H. O.—Bastrop.
 Bossier Frozen Foods—Bossier City.
 *Britt Packing Co.—Shreveport.
 Brown & Son Packing House, C.—Ragley.
 *C & L Packing Co.—Tallulah.
 Carroll Slaughter House—Winn.
 Chasson Meat Market, Arthur—Lockport.
 *City Abattoir, Inc.—Baton Rouge.
 Crawford's Super Market—Covington.
 Crumpler's Packing House—De Ridder.
 Cutler's Grocery and Market—Ponchatoula.
 Dufrene Slaughter and Packing Co.—Allamand.
 *Frey, L. A., & Sons, Inc.—Lafayette.
 Goodman Slaughter House—Winnboro.
 Green Slaughterhouse, Edward—Bastrop.
 *H & S Packing Co.—Baton Rouge.
 *Harris and Co., Ed.—Ferryday.
 *Jennings Meat Products—Baton Rouge.
 Kennedy Brothers Meat Products—Bogalusa.
 Knight Slaughter House, S. A.—Bogalusa.
 Knight Slaughter House, W. E.—Franklin-town.
 Knight Slaughter House, W. W.—Franklin-town.
 LeDoux Slaughter House, Boo—Eunice.
 Liste's Meat Market—Patterson.
 Luke Packing Co.—Centerville.
 *Micelle Packing Plant—Lake Charles.
 *Monroe Packing Co.—Monroe.
 *Nations Brothers Packing Co.—Springhill.
 *New Orleans Butchers Abattoir—New Orleans.
 *Peltier Packing Co., Inc.—Thibodaux.
 Pickett's Slaughter House—Delhi.
 Quin Packing Co., T. R.—Oxyka.
 *Rapides Packing Co.—Alexandria.
 Rodrigue's Meat Market, Allen—Thibodaux.
 Sances Slaughter House—Franklin-town.
 *Shreveport Packing Co., Inc.—Shreveport.
 *Smiley's Killing Plant—Scotlandville.
 Stanley Locker Plant—Logansport.
 *Stevens Meat Co., Inc.—Gonzales.
 *Tallulah Slaughter House—Tallulah.
 Thigpen Packing Co., R. E.—Mansfield.
 Theriot & Daigle—Houma.
 Watson Slaughter House—Jonesboro.
 Wesley Market—Amite.
 Wood Slaughter House, L. V.—Franklin-town.

MAINE

Augusta Abattoir—Augusta.
 Boston Brothers—North Berwick.
 Boynton, Lawrence—Bridgton.
 Chase & Son, Ralph—Sanford.
 Hanson & Smith, Inc.—St. Albans.
 Penley, E. W.—Auburn.
 Stearns, Inc.—Auburn.

MARYLAND

Bauerlien, Edward C.—Hampstead.
 Benson Meat Prod. Co.—Fallston.

Bollingers Meat Market—Emmitsburg.
 Burger, Samuel B.—Williamsport.
 *Edward G. Berlett & Sons, Inc.—Baltimore.
 Brewer's, H. W.—Williamsport.
 Brook Meadow Provision Co.—Hagerstown.
 Bullock, G. Winston—Westminster.
 Cecil Provision Co.—Elkton.
 Clopper, Chas. W.—Clear Spring.
 Dutterer's of Manchester, Inc.—Manchester.
 Eagle Meat & Sea Foods—Knoxville.
 Eby, Irvin E.—Hagerstown.
 Engle Brothers—Frostburg.
 Fogle, Theodore A.—New Windsor.
 Fraley, J. Austin—Thurmont.
 Gaithersburg Locker Service—Gaithersburg.
 Gladhill Meat Market—Damascus.
 Glosser, John E.—Hagerstown.
 *Hahn Brothers, Inc.—Westminster.
 Harden's Meat Market—Eckart Mines.
 Harsh, M. D., Sr.—Williamsport.
 Hatfield's Meat Market—New Windsor.
 *Hell, Henry—Baltimore.
 Hemp, R. D. & Sons—Jefferson.
 Hoffman and Son, Roy L.—Hagerstown.
 Holsinger, C. M.—Hagerstown.
 Hurd & Son, C. G.—Hagerstown.
 *Joska Brothers—Baltimore.
 Killshelmer Bros., Inc.—Washington, D. C.
 Late, Howard F.—Thurmont.
 Lotz's Wholesale Meats—Frostburg.
 Main & Sons, C. F.—Middletown.
 Martin & Son, Edward T.—Joppa.
 *Maryland Beef & Provision Co.—Baltimore.
 Metz, Walter M.—Williamsport.
 *Meyers, Wm. F. & Sons, Inc.—Westminster.
 Miller, Charles—Manchester.
 Montgomery Brothers—Rising Sun.
 Moser, Weaver F.—Boonsboro.
 Mt. Airy Locker Co.—Mt. Airy.
 Murphy, John G.—Butcher—Fallston.
 Nichols & Smith Meat Market—Fedoralsburg.
 *Ruppersberger & Sons, George G.—Baltimore.
 *Schmidt, A. W. & Son, Inc.—Baltimore.
 *Schmidt, Charles J. & Co.—Baltimore.
 Shallcross, H. E.—Rising Sun.
 Shaum, F. E.—Taneytown.
 Shuff, Harry William—Thurmont.
 Treuth & Sons, J. W.—Catoonsville.
 Welty's Market—Emmitsburg.
 Will, Weldon W.—Sykesville.
 Wolfe's Slaughter House—Cumberland.
 Yingling Brothers—Union Bridge.
 Yoders Locker Plant—Grantsville.

MASSACHUSETTS

Arena & Sons, A.—Hopkinton.
 Axler, Abraham (Hatfield Beef Co.)—Hatfield.
 Bickford's Slaughterhouse—Cheshire.
 Blood & Son, E. L.—West Groton.
 Bonanno & Sons, Rocco—Methuen.
 Bowman, Frank B. Co.—Brighton.
 Budnick & Son, E.—Boxford.
 Cohen, Jacob, Beef Co., Inc.—Brighton.
 Cook, Edric—Hyden.
 Cramer's Louis—No. Adams.
 Goldberg, Morris—Great Barrington.
 Grasso, Angelo—Agawam.
 Harris Slaughterhouse, George A.—Winchendon.
 Hutchinson's Slaughterhouse—Lunenburg.
 Hurlburt Slaughterhouse, Ronald—West Orange.
 Independent Packing Co.—Brockton.
 Johnson, Lewis—Templeton.
 Judkins Slaughterhouse—Athol.
 Kabatchnick, Mark Sidney—Chester.
 Levine, Louis—Great Barrington.
 Mason, Frank P.—Williamstown.
 McAdoo, Harold A.—Bolton.
 Miller & Son, Ira G.—Milford.
 Pekarski, T. Walter—South Deerfield.
 Reynolds—Shelburne.
 Robbins, Richard—Ashby.
 Santos Co., Charles—Tewksbury.

Selbell, Anthony J.—Southwick.
 Sciebell, George A.—Southwick.
 Shapiro, A. Beef Co.—Brighton.
 Sheinhit, Jacob—Peabody.
 Stearns, Ed.—Charlton.
 Streeter, Herman—Bernardston.
 Streeter Slaughter House—Bernardston.
 Strycharz Slaughterhouse—Blackstone.
 Suprenant, Peter—Leverett.
 U. & S. Beef & Prov. Corp.—Pittsfield.
 Wiegert Co., Geo.—Worcester.
 Wilbur, Joseph H.—S. Easton.
 Wohrl's Inc.—Pittsfield.

MICHIGAN

Allen Packing Co.—Charlotte.
 *Allendale Beef Co.—Allendale.
 Anderson Packing Co., Inc., J. S.—Muskegon.
 *Arensen Packing Co.—Grand Rapids.
 Besbris & Sons, Inc., Max—Kalamazoo.
 *Bettinger & Barnett Beef Co.—Detroit.
 Clare Packing Co.—Clare.
 *Cohen & Levenberg—Detroit.
 *Costello Packing Co.—Detroit.
 Cox Slaughterhouse—Hudson.
 Edson, Inc., Lee—Hudsonville.
 Fillmore Beef Co.—Holland.
 *Gemmen & Son, Albert—Allendale.
 Goose & Co., Jack—Detroit.
 Hazekamp & Sons, Bert—Muskegon.
 Heaters Fresh Meat—Dowagiac.
 *Huler Beef Co.—Detroit.
 Johnson, Carl R.—Kalamazoo.
 Kalamazoo Packing Co.—Kalamazoo.
 Lengel Meat Packers, Inc.—Temperance.
 *Loewenstein & Son, S.—Detroit.
 Lytle & Sons, W. E.—Coldwater.
 Marshall Packing Co., Bruce T.—Bay City.
 *Merritt Packing Co.—Carrollton.
 *Midway Packing Co.—Wayland.
 *Monarch Packing Co.—Detroit.
 *Morris Snow & Co.—Detroit.
 Myaard & Son, J.—Hudsonville.
 *Nathan Rubin, Inc.—Detroit.
 Newsom Slaughter House—Niles.
 Nichols-Poss Packing Co.—Bay City.
 Nienhuis Packing Co.—Holland.
 Park-Way Meat Co.—Flatrock.
 Parsell Beef Co.—Flint.
 Paulsen & Son, Inc., Max—Muskegon.
 Peet Packing Co.—Bay City, Chesaning, and Grand Rapids.
 Perry Packing Co.—Mart.
 Prime Packing Co.—Detroit.
 Riverside Packing Co.—Jackson.
 Schmidt Packing Co.—Niles.
 Shaw Wholesale Meats, R. L.—Casanovia.
 Simpson's Country Market—Gallen.
 *Smallegan, Arthur—Forest Grove.
 Smith Packing Co., Hubert H.—Muskegon.
 Smith Packing Plant, H. A.—Fort Huron.
 Snyder Farms—Byron Center.
 *Standard Beef Inc. (east)—Detroit.
 *Standard Beef Ind. (west)—Detroit.
 Steeb Brothers—Ann Arbor.
 *Tamaren Beef Co., Isaac—Detroit.
 *Tannehill & De Young, Inc.—Traverse City.
 Telfer Packing Co.—Owosso.
 Thompson Beef Co.—Hamtramack.
 *Vander Boon Bros.—Ada.
 *Victory Beef Co.—Detroit.
 *Vogt Packing Co.—Flint.
 *Wall Packing Co.—Sturgis.
 *Wayne Packing Co.—Detroit.
 Young Brothers—Hudson.
 *Zandbergen Slaughterhouse—Grandville.

MISSISSIPPI

Archer, B. F.—Mathieston.
 Barnett Sausage Co.—North Biloxi.
 Bethese Brothers Packing Co.—Meridian.
 Bryant's Super Market—Winona.
 *Central Packing Co.—Hattiesburg.
 Cochran Frozen Food Locker—Waynesboro.
 Columbus Packing Co.—Columbus.
 Columbus Provision Co.—Columbus.
 Counce, H. R. Curing Plant—Corinth.
 Davis Brothers—West Point.
 *Dedeaux Packing Co.—Gulfport.
 Delta Packing Co.—Clarksdale.

Happy Acres—Petal.
 Hickman, H. J.—Gulfport.
 Isbell, A. H. & Sons Meat Curing Plant—Corinth.
 Isbell Distributing Co.—Corinth.
 Jackson Packing Co.—Jackson.
 Jones Slaughter House, T. W.—Brookhaven.
 Lamey's Slaughter House—North Biloxi.
 Lauderdale Cold Storage—Meridian.
 Mallett, P. S.—North Biloxi.
 Mallette Packing Co.—Greenville.
 Michel, C., Packing Co.—Meridian.
 Orman's Sausage Co.—Ellisville.
 *Owen Brothers Packing Co.—Meridian.
 Quin Slaughterhouse—Osyka.
 Robinson Brothers Packing Co.—Batesville.
 Sams Slaughter House—Waynesboro.
 *Shaws Cold Storage and Market—Grenada.
 Slanger Slaughter House—Columbia.
 *Valley Farm Packing Co.—Laurel.
 Waller Slaughter House—Waynesboro.
 *West Packing Co.—Indianola.
 Wise & Wise Packing Co.—Greenville.

MISSOURI

Alewel Brothers—Concordia.
 Anderman, Edward, Slaughter Establishment—Hickman Mills.
 Asel's Slaughter House—Washington.
 Baker Packing Co.—Mexico.
 Baum Packing Co., Dan—St. Louis.
 Bouchaert Packing Co.—St. Louis.
 Carney Packing Co.—Dexter.
 Central Packing Co.—Cape Girardeau.
 Cloud & Son Packing Co., Ned—Springfield.
 Coleman Packing Plant—Holden.
 Copes Slaughter Co.—Palmyra.
 Crandal's Frozen Food Lockers—Warrensburg.
 Cummins Custom Butchery—Webb City.
 Dexter Packing Co.—Dexter.
 Evans, E. S. & Sons Slaughterhouse Establishment—Carthage.
 Frick's Super Market, Inc.—Washington.
 Fricka Slaughter Service—Union.
 General Meat Co.—St. Louis.
 Grand Packing Co.—Imperial.
 Grote, T. J.—Imperial.
 Herrod Packing Co., Inc.—Joplin.
 Hester, A. L. Packing Co.—Bernie.
 Kornblat Packing Co.—St. Louis.
 Lebanon Packing Co.—Lebanon.
 LeDuc Packing Co.—Springfield.
 Liberty Locker Co.—Liberty.
 M. F. A. Packing Division—Springfield.
 Manning Dressed Beef—Springfield.
 Maryville Packing Co.—Maryville.
 McGee's Home Killed Meats—Mexico.
 Moberly Packing Plant—Moberly.
 Modlin, Jack—Webb City.
 Mueller's Meat Market—Altenburg.
 Nenninger Packing Co.—Cape Girardeau.
 Ogden Slaughterhouse Establishment, Cottie P.—Vandalia.
 Paris Lockers & Abattoir, Inc.—Paris.
 Pemiscot Packing Co.—Wardell.
 Pipkin Boyd Neal Packing Co.—Cape Girardeau.
 Poplar Bluff Packing Co.—Poplar Bluff.
 Raders Inc.—Columbia.
 Reinhardt Packing Co.—St. Louis.
 Reitz Meat Products Co.—Raytown.
 Roseville Packing Co.—Springfield.
 Salem Auction Co.—Salem.
 Schneider Packing Co.—St. Louis.
 Sikeston Food Lockers—Sikeston.
 Stanley Meat Co.—Afton.
 Twin City Packing Co.—Festus.
 United Meat Co., Inc.—St. Louis.
 Urbana Locker—Urbana.
 Vols Packing Co.—St. Louis.
 Walter Wick's Slaughter House—Pierce City.
 Welsh Packing Co., Inc.—St. Louis.
 Westermann, John—Troy.
 Wuestling Packing Co.—St. Louis.
 Yontz Packing Co.—Tipton.

MONTANA

Blastock Wholesale Meats—Butte.
 *Montana Meat Co.—Helena.
 New Butte Butchering Co.—Butte.

O'far Meat Co.—Glendive.
Rahr, John—Glendive.
Sidney Locker & Creamery Co.—Sidney.
Valley Meat Co.—Sidney.

NEBRASKA

Brauer Packing Co.—Chappell.
Bridgman Wholesale—Tucumseh.
Community Locker Center—Fullerton.
Consumers Packing Co.—Superior.
Custom Pack—Hastings.
Deerson Meat Packing Plant—Elkhorn.
Dundy County Processors—Benkelman.
F & S Sausage Co.—Cozad.
Farmers Union Co-op Gas & Oil Co.—Big Springs.
Flicker Packing Co.—Scottsbluff.
Ford Packing Co.—Grand Island.
H & B Packing Co.—Scottsbluff.
Hersch Packing Company—Scottsbluff.
Hollstein's Packing Co.—Rushville.
Hormel & Co., George A.—Fremont.
Ideal Market—Gordon.
Jurgens Meat Service—Big Springs.
Kauf Packing Co.—Hastings.
Nebraska Ice & Locker Service—Falls City.
North Platte Packing, Inc.—North Platte.
Osborn's I. G. A. Store—Hay Springs.
Red Cloud Packing Co.—Red Cloud.
Roode Packing Co., Inc.—Fairbury.
Roman Packing Co.—Norfolk.
Saum Locker—Davenport.
Snyder Packing Co.—Red Cloud.
Standard Market—Hebron.
Sterling Packing Co.—Sidney.
Superior Locker—Superior.
Swayze Packing Co., S. E.—Edison.

NEVADA

M B Bybee Slaughter Establishments—Ely.
Dangberg Meat Co.—Gardnerville.
Hecks Market—Fallon.
Horlacher Meat Co.—Fallon.
Mori Slaughter House—Fallon.
Nevada Livestock Commission Co.—Sparks.
Nevada Meat Packing Co.—Reno.
People's Packing Co.—Yerlington.
Truckee Meadow Packing—Reno.

NEW HAMPSHIRE

Edwards, George—Walpole.
French Brothers Beef Co., Inc.—Hooksett.
Hoffman, Fred—Hooksett.
Langelier, Lucien—Rochester.
Satzow, Samuel—Claremont.
Taylor, George—Dover.

NEW JERSEY

Burtch, William L.—Vineland.
Delaware Packing Co.—Trenton.
Dielmann, Fritz—Oak Ridge.
Fisher Bros.—Bridgeton.
Gaskill's Frosted Food Locker Plant—Elmer.
Gottlieb & Sons, Inc., Daniel A.—Camden.
Hartman, J. H. & H. E.—Trenton.
Haskell Packing Co.—Haskell.
Irell Packing Co.—Monroeville.
Maresca's—Stockton.
Miller Brothers—Camden.
Monmouth County Abattoir—Asbury Park.
Moonlight Hog Farms—Flemington.
Perth Amboy Packing Co.—Perth Amboy.
Preziosi, George—New Village.
Rome, Clarence—Sussex.
Salem Packing Co.—Salem.
Schein, Inc.—Hopelawn.
Singer, Philip L.—Sussex.
Struble, O. W., Inc.—Newton.
Tindik Son's, John—Trenton.
Trenton Packing Co.—Trenton.
Wagner Provision Co.—Gibbstown.
Young, A. A.—Phillipsburg.

NEW MEXICO

Addington Locker Plant—Clayton.
Aztec Locker Plant—Aztec.
Belen Locker & Slaughter Pen—Belen.
Ben's Slaughterhouse—Las Vegas.

Dean Wholesale Meat Co., T. M.—Hobbs.
Deming Packing Co.—Deming.
Dick's Slaughtering House—Clovis.
Frontier Packing Co.—Albuquerque.
Glover Packing Co.—Roswell.
Hatch Packing Co.—Portales.
Houk's Custom Slaughter Service—Clovis.
Karler Packing Co.—Albuquerque.
Las Cruces Meat Co.—Las Cruces.
New Mexico Packing Co., Inc.—Carlsbad.
Palmer Packing Co.—Albuquerque.
Rancho Packing Co.—Clovis.
Raton Packing Co.—Raton.
Rayjax Packing Co.—Fort Sumner.
Rollins Packing Co., Inc.—Clovis.
Snell Packing Co., Inc.—Clovis.
Starkey Packing Co.—Clovis.
Stephens Packing Co.—Albuquerque.
Swartzman Packing Co.—Albuquerque.
Taos Locker Plant, Inc.—Taos.
Tularosa Packing Co.—Tularosa.
Valley Packing House—Albuquerque.
Valley Packing Co.—Fairview.
Valley Packing Co.—Farmington.
Williams Slaughter House—Socorro.
Wofford Slaughtering Establishment—Santa Fe.
Zero Locker Plant—Portales.

NEW YORK

Acer, Inc.—Buffalo.
Archie & Sons, Inc., E. J.—Buffalo.
Aronson & Milton Aronson, Jerome—Queensbury.
Aronson, William—Glens Falls.
Baldwin Slaughterhouse, Orval W.—Ripley.
Bender & Son, Elmer—Buffalo.
Bleser, Frederick—Whiteville.
Brennan, P.—Buffalo.
Brown's Slaughter House—Otto.
Cheektowaga Packing Co.—Depew.
C. J. D. Packing Co., Inc.—Buffalo.
Cukerstein & Son, Inc.—Hudson.
Cuomo, Neil—Schenectady.
Dean's Slaughter House—Goshen.
Dembo's—Troy.
DeVita, James & Gino—Endicott.
Dover Plains Packing—Dover Plains.
Dunning's Slaughterhouse—Hornell.
Eckman, Albert M.—Frewsburg.
F. K. & Son, Inc.—Buffalo.
Fairbank Farms—Ashville.
Farber Meat Packing Corp.—Liberty.
Fargnoli, Sam & John—Endicott.
Ford, E. D.—West Valley.
Frank Brothers—Poughkeepsie.
Freer, Leroy Carl—Endicott.
Goebel Packing Co.—Buffalo.
Golde Packing Co.—Tonawanda.
Goshen Packing Co.—Howells.
Green Brothers—Schenectady.
Hans, Edward—Buffalo.
Harrison, W. W.—Corning.
Hokan's Slaughterhouse—Angola.
Horlein & Son, Inc., E. C.—Buffalo.
Kamery, John Wendell—Olean.
Kingston Beef Corp.—Kingston.
Klinck Brothers, Inc.—Buffalo.
Klinck & Schaller, Inc.—Buffalo.
Kross-Ahl—West Albany.
Kusler, Benjamin—Elmira.
Kwiatkowski Brothers—Buffalo.
Legters Bros.—Clymer.
Levine, Abraham—Ellenville.
Liephutz Market—Hudson.
Ludington Brothers—Maine.
Malecki, Inc., Joseph—Buffalo.
Maple Brook Slaughterhouse—Binghamton.
Maple Grove Farms—Syracuse.
Marbot, Frank—Troy.
McGuire, B. Frank—Granville.
Medina Provision Co., Inc.—Medina.
Mendel, M. & Co.—Medina.
Mest Packing Co., William G.—Strykersville.
Morandi Packing Co.—Hillsdale.
Moses, Norbert—Norwich.
Neckers, Norman C.—Clymer.
Norman's Wholesale Meats—Buffalo.
Obler & Sorenson—Horseheads.

Olean Cold Storage Co., Inc.—Olean.
Owsowitz & Son, Maurice—Buffalo.
Parker's Slaughter House—Schaghticoke.
Polyniak, Victoria—Newark Valley.
Rausch & Son, Inc., Frank—Buffalo.
Rosenblum Brothers—Cohoes.
Samlof and Sons, David—Albany.
Schmitt & Co., Inc., J. J.—Buffalo.
Scott, Herbert R.—Brocton.
Seven Valley Beef, Inc.—Cortland.
Shapiro Wholesale Meats, M.—Jamestown.
Shappee & Shelve—Pine City.
Smith, Bernard G.—Troy.
Smith, Harold J.—Pine Plains.
Syracuse Packing & Provision Co.—Camillus.
Stafford & Sons, T. W.—Buffalo.
Sussman, Louis—Cohoes.
Syracuse Packing & Provision Co.—Camillus.
Tog Packing Co., Inc.—Buffalo.
Utica Veal Co., Inc.—Marcy.
Wallens Byrne Packing Corp.—Buffalo.
Wand Co.—Slate Hill.
West Co., Inc., R. B.—Buffalo.
Wieberg, James N.—Pine City.
Ziff, Herbert M.—Elmira.

NORTH CAROLINA

Aberdeen Packing Co.—Aberdeen.
Boyd & Sons, John—Gastonia.
Bryan Packing Corp.—Asheville.
Caldwell Packing Co.—Cramerton.
Carolina Packers—Smithfield.
Chadbourne Packing Co.—Chadbourne.
Circle "F" Abattoir—Lexington.
City Abattoir—Shelby.
City of Winston-Salem Abattoir—Winston-Salem.
Cook's Packing Co., Inc.—Concord.
Curtis Packing Co.—Greensboro.
Edwards Abattoir—Leaksville.
Elliott Packing Co., Inc.—Goldsboro.
Greenville Packing Co.—Greenville.
Hickory Packing Co.—Hickory.
Jones Abattoir Co.—Garner.
Land's Slaughterhouse—Spray.
Martin's Abattoir—Gedwin.
Morlie Abattoir—Ridgelyville.
Mount Airy Abattoir—Mount Airy.
New Bern Provision Co.—New Bern.
Norris Packing Co.—Shelby.
Piedmont Packing Co.—Hillsboro.
Randolph Packing Co.—Asheboro.
Skeen Packing Co.—High Point.
Statesville Packing Co., Inc.—Statesville.
Stewart's Abattoir—Mount Airy.
Whicker Packing Co., William A.—Mocksville.
White Packing Co., Inc.—Salisbury.
Wilmington Packing Co., Inc.—Wilmington.
Yadkin Valley Packers, Inc.—Elkin.

NORTH DAKOTA

Bean, Lloyd—Williston.
Williston Meat Co.—Williston.

OHIO

Arend, Jr., E. J.—Toledo.
Barnes Provision, Inc.—Alliance.
Boll and Son Wholesale Meats, John—Ironton.
Braun Brothers Packing Co.—Troy.
Buchy, Chas. G. Packing Co.—Greenville.
Busse & Sons, L. W.—Fort Loramie.
Canton Provision Co.—Canton.
Copley Packing Co.—Copley.
Davies, David, Inc. (816 West Mound Street)—Columbus.
Davies, David, Inc. (1340 Jackson Pike)—Columbus.
Davies, David, Inc.—Zanesville.
DiCillo & Sons, Inc., A.—Cleveland.
Donelson Packing Co.—Carey.
Eckert Packing Co.—Defiance.
Egley's Slaughtering Establishment—Convoys.
Evans Packing Co.—Gallipolis.
Fairmount Provision Co.—Alliance.
Falter, Herman Packing Co.—Columbus.

Fidel Bros. Pkg. Co.—Unionville.
Findlay Provision Co.—Findlay.
Pink and Heine Co.—Springfield.
Finley Packing Plant, Inc.—McConnells-ville.

Fletcher Brothers Packing Co., Inc.—Fostoria.

Focke's Sons, Wm.—Dayton.
*Folger Packing Co.—Toledo.
Gerstenlager Meats, Inc.—Creston.
Hall Bros., Inc.—Olmsted Falls.
Hasselback & Son, E. E.—Fremont.
*Henry Packing Co.—Lima City.
Hostetter Meats—Apple Creek.
Hygrade Food Products Corp.—Youngs-town.

Jacoby, Hal C.—West Unity.
Kent Provision Co., Inc.—Kent.
Krug's Slaughtering Establishment—Wren.

Liber, John and Co.—Alliance.
*Lima Packing Co.—Lima.
Lloyd Packing Co.—Youngstown.
Martin Farm Slaughter House—Fremont.
Matthews, J. H. & Son—Sardinia.
McMahon Packing Co.—Marysville.
Myers & Son—Archbold.
New Cooperative Co.—Dillonville.
Ohio Packing Co.—Columbus.
Piper and Son Provision—Dorset.
Pride of Lima Provision Co.—Lima.
Rittberger Brothers—Zanesville.
Ross Abattoir Co.—Springfield.
*Routh Packing Co.—Tiffin.
*Sandusky Dressed Beef—Springfield.
Sandusky Dressed Beef Co.—Sandusky.
*Schmidt Provision Co.—Toledo.
Scioto Provision Co.—Neward.
Sear's Meat Market—Greenville.
Seman Sons, A. C.—Versailles.
Springfield Meat Co.—Springfield.
Sturgis Packing Co.—Kenton.
Sugardale Provision Co.—Canton.
Superior Provision Co.—Massillon.
Suter's Meat Market—Greenville.
Teufel Co., Howard A.—Cleveland.
*Waldock Packing Co.—Sandusky.
Walter & Sons—Wapakoneta.
Webb Beef Co.—Cleveland.
*Weber Packing Co.—Marietta.
Willmam's Slaughtering Establishment—Van Wert.
Winner Sons, Robert F.—Osgood.
Zeimmer Packing Co.—Antwerp.

OKLAHOMA

*Akins & Fincannon Slaughtering Estab-lishment—Sand Springs.
Banfield Packing Co.—Enid.
Braden Slaughtering Establishment—Ponca.
*Brooks Packing Co.—Tulsa.
Butcher Slaughtering Establishment—Bartlesville.
*Canadian Valley Slaughtering Estab-lishment—Oklahoma City.
*Central Packing Co.—Muskogee.
Cleveland Lockers—Cleveland.
Coly's H. H.—Boise City.
Cone Wholesale Market—Miami.
*Cornett Slaughtering Establishment—Oklahoma City.
Cushing Packing and Provision Co.—Cush-ing.

*Custom Slaughtering, Inc.—Tulsa.
*Daack Packing Co.—Ponca City.
Dudley Tucker Slaughter—Durant.
Durwood Box Slaughtering Estab-lishment—Valliant.

Elkins Market—Waurika.
*Enid Packing Co.—Enid.
Fairview Packing Plant—Fairview.
Fraser Wholesale Meat Co.—Ardmore.
Groeteria Slaughtering Establishment—Texhoma.

Halstead Slaughtering Establishment—Fairview.
Hamilton Slaughtering Establishment—Midford.
Harris Meat and Produce Co.—Oklahoma.
Hominy Food Lockers—Hominy.

Jackson Slaughtering Establishment, Earl—Pawhuska.

*Lawton Meat Supply—Lawton.
McCreary Packing Co.—Enid.
*Miller Packing Co.—Sapulpa.
Miller Slaughtering Establishment, El-mer—Covington.

Montgomery Brothers—Hugo.
*Oklahoma Packing Co.—Oklahoma City.
*Okmulgee Packing Co.—Okmulgee.
*O. K. Packing Co.—Tecumseh.
Osage County Packing Co.—Fairfax.
Ponca City Packing Co.—Ponca City.
Redwine's Slaughter House—Hugo.
*Reeves Packing Co., W. E.—Ada.
Ridley Packing Co.—Duncan.
Ross, Paul—Boswell.
*Santa Fe Packing Co.—Muskogee.
*Shalloup Slaughtering Establishment—Alva.

Southeastern Packing Co.—Durant.
*Southeastern Slaughtering Establishment No. 91—Durant.
Thomas, Earl C.—Moore.
Tri-State Super Market—Guymon.
Turner Brothers—Nowata.
Turner Slaughter Establishment, Fred—Chandler.

*Turvey Inc. Slaughtering Estab-lishment—Oklahoma City.
*Turvey Packing Co.—Blackwell.
Van Cleve, C. L.—Tulsa.
Ward Slaughter Establishment, John—Woodward.
White Slaughtering Establishment—Stig-ler.

Whitten Slaughter House—Broken Bow.
*Wickham Packing Co.—Ada.
*Wickham Packing Co.—Sapulpa.
*Williams Packing and Storage Co.—Miami.
Woods, Lloyd—Westville.
Woodward Packing Co.—Woodward.

OREGON

Airport Meat Packing Plant—Madras.
Alpine Meat Co.—Grants Pass.
*Arrow Meat Co.—Cornelius.
*Associated Meat Packers—Portland.
Bond Brothers—Lakeview.
Boston Beef House—Ontario.
Boyer Meat—Roseburg.
*Bruce Packing Co.—Sublimity.
*Cannon Meat Co., R. C.—Salem.
Cedar Point Packing Co.—Coquille.
Cinder Butte Packing Co.—Redmond.
Clover Leaf Packing Co.—Drain.
Community Market—Enterprise.
Culver Meat Plant—Bandon.
Culver Packing Co.—Culver.
Dalles City Pack—Dalles.
Eldridge Packing Co.—LaGrande.
Erdman Packing Co.—Bandon.
Farmers Packing Co.—Medford.
Gardner, Donald R. Midway Meats—Med-ford.

Garrison, R. O.—Lebanon.
Grants Pass Provision Co.—Grants Pass.
H & M Meat Co.—Union.
Heppner Slaughter House—Heppner.
Hill Meat Co.—Pendleton.
*Hopkin's Wholesale Meats—Nyssa.
Independent Meat Co., Ken and Thomas—Ashland.

Jacobmuhlen, John—Cornelius.
*Kenton Packing Co.—Portland.
*Klamath Packing Co.—Klamath Falls.
LeGrande Market—LaGrande.
Lamonta Packing Co.—Prineville.
Lewis Brothers Section Lime and Kine Road—Gresham.

Lusk Eastside Abattoir, L. E.—Ashland.
McVay, Archie—Brookings.
Medford Meat Co.—Medford.
*Merrill Meat Co.—Merrill.
*Midway Meat Co.—Medford.
Montgomery's Killing Plant—Silverton.
*Mount Angel Meat Co.—Mount Angel.
Myers Cold Storage Lockers, Don—Elgin.
Myers Packing Co.—Bend.
Myrtle Packing Co.—Coquille.

Nebergall Meat Co., Inc., D. E.—Albany.
Ontario Meat Packing—Ontario.
Peterson, Gerald—North Powder.
*Pioneer Meat Packers—Ontario.
Polar Cold Co.—Medford.
Rogue Valley Packing Co.—Myrtle Creek.
Roseburg Meat Co.—Roseburg.
*Silver Falls Packing Co.—Portland.
Stein Brothers Food Stores—Albany.
*Super Packing Co.—Klamath Falls.
*T. P. Packing Co.—Klamath Falls.
Troutman's Market—North Plains.
Valley Sausage Co.—LaGrande.
Van Dine Meat Co.—Myrtle Creek.
Warren, B. T.—Stanfield.
Western Meats—Milton-Freewater.
Yocum's Meat Co.—Coos Bay.

PENNSYLVANIA

Ahrens & Sons, Inc., E. F.—York.
Alba, Saverio & William—Norristown.
Albert Packing Co.—Washington.
Alfery's Sausage Co.—Greensburg.
Allinkoff's & Son, Harry—Wilkes-Barre.
Anspach, Charles C.—Womelsdorf.
Anderson, Roy—East Berlin.
Arena Dressed Beef Co.—Norristown.
Attig Bros.—Schreysburg.
Baker's Meat Market, Biglerville.
Baringer, Wilmer—Richlandtown.
Barnes, T. William—Waynesburg.
Baum, Daniel S.—Elizabethtown.
Baumgardner Packing Co.—Finleyville.
Baum's Meat Packing—Lansdale.
Beatty Farm Meat Products—Turtle Creek.
Benzak, Anthony L.—Bethlehem.
Berwick Packing Co.—Berwick.
Bethlehem Packing Co.—Bethlehem.
Biderman & Moss, Inc.—Philadelphia.
Bilski, Joseph—Waterford.
Bingman Packing Co.—Berlin.
Bloomfield Packing Co.—Pittsburgh.
Blouse Meat Market—Glen Rock.
Bonaccorso & Sons, S.—Philadelphia.
Bongiorno Bros.—Slovan.
Bovalina Packing Co., Inc.—Slovan.
Bowders & Son, H. C.—Waynesboro.
Bowman, Mark—Hegins.
Boyer, Kenneth L.—Klingerstown.
Brand, William—Pipersville.
*Brest Packing Co.—Shamokin.
Brillhart's Meat Market—Hanover.
Bristol Beef Co.—Bristol.
*Brizer Beef Co.—Dunmore.
*Brown's Slaughter House—Smethport.
Bryan, John J.—Dushore.
Bubbenmoyer, C. W.—Bernville.
Burke's Food Market—McSherrytown.
Burkholder Brothers—Lebanon.
Bush, G. D.—Jamestown.
Cappuccio & Carbonaro—Philadelphia.
Carpenter Packing Co., Rex—Townville.
Carpenter, Simon T.—Sheridan.
Cary, William L.—Harrison Valley.
Campo, James—Philadelphia.
Castle Provision—Darragh.
Charles Meat Market—Liverpool.
Clark Packing Co., Inc., Galen H.—Paxinos.
Cohick's Meat Market—Salladasburg.
Crissman Bros.—Castanea.
Cunningham Turkey Farm—Sand Patch.
Darling, Lester W.—La Plume.
Davidek, M. J.—Breckenridge.
DeFranco, Nick—Bangor.
DeFranco, Phillip—N. Bangor.
Deffrate Packing Co.—Slovan.
Denholm Packing Co.—Pittsburgh.
Derry Township Packing House—Latrobe.
Detwiler's Abattoir—Pottstown.
Devault Packing Co.—Devault.
Donnie's Food Market—East Berlin.
Dressler, Paul—Exeter.
East Carson Packing Co.—Hays.
Ebling's Meat Market—Myerstown.
Elizabethville Abattoir—Elizabethville.
Engle and Schantz—East Greenville.
Eremic's Provisions—Monroeville.
Esposito, Attilio—Philadelphia.
Falk, Karl—Erie.
Fetterolf, Joseph I.—Hegins.
Fischer & Sons, Inc., J. Fred—York.

Fisher, W. J.—Winfield.
Fox, Henry J.—Mertstown.
Freed's Store—Gilbertsville.
Fried & Reineman Packing Co.—Pittsburgh.

Frigid-Freeze Lockers—Riegelsville.
Gashel, Lee—Claysville.
Gehman, Warren B.—Norwood.
Gensemer's—Bloomsburg.
Gentzler, Wilfert N.—Dover.
Gertner, Joseph & Stephen—Easton.
Giorgio, J.—Philadelphia.
Giunta & Sons, Joseph L.—Philadelphia.
Glick Brothers Packing Co.—Mt. Pleasant.
Godshall, Marvin K.—Telford.
Goetz, R. M.—Greencastle.
Goldberg Provision Co.—Greensburg.
Good, Inc., Carl—Denver.
Good's Market—Quincy.
Gorski, Frank—Hatfield.
Gourley, James P.—New Bethlehem.
Greeck, Frank—Portage.
Green & Son, A.—Berwick.
Green Valley Packing Co.—Clayville.
Gress Brothers—Center Valley.
Grisinger Brothers—McConnellsburg.
Gum, Russell M.—Pen Argyl.
Hager's Meat Market—Quakertown.
Hahn Packing Co.—Edward—Johnstown.
Halbach Brothers—Erie.
Hanas, George—Dalestown.
Hanover Provision Co.—Hanover.
Hartman, Paul E.—New Tripoli.
Heckel & Perlan—Pittsburgh.
Herring, Paul A.—Pitman.
Hervitz Packing Co.—Harrisburg.
Hess, Bob G.—Winfield.
*Hickory Packing Co.—Scranton.
Hippey, Samuel W.—Willow Street.
Hoffman Estate, J. E.—Williamstown.
Hollinger, J. Lloyd—Lancaster.
Hollinger Meat Products, Inc.—Mechanicsburg.

Homestead Provision and Packing Co.—Pittsburgh.

Hooversville Supply Co.—Hooversville.
Hostoffer & Sons, E. B.—Mt. Pleasant.
Hunsberger, Joseph J.—Boyersford.
Hynes Abattoir, O. J.—Cedars.
Imgrund, D. E.—New Baltimore.
Innerst Bros.—Dallastown.
Ishman, Robert J.—Worthington.
Johnson, H. T.—Northumberland.
Joseph Packing Co.—Connellsville.
Junata Packing Co.—Tyrone.
Keeney, H. Z.—Hungerford.
Kern, Lee G. & Sons—Slattington.
Kesseler, J. R.—Greencastle.
*Kessler's Inc.—Lemoyne.
Kipp, Harvey A.—Bethlehem.
Kirkpatrick's Meat Market—Scotland.
Kline Brothers—Hollidaysburg.
Kolansky, Abe—Wymart.
Kolb, Samuel—Spring City.
Kratzer, Beulah M.—Selinsgrove.
Kreisel Brothers—Hazleton.
Kressler, Herbert H.—Quakertown.
Kudasik, Andy—Central City.
Kunzler and Co. Inc.—Lancaster.
Lancaster Packing Co.—Lancaster.
Landis, Abram A.—Harleysville.
Landis, Edgar M.—Franconia.
Landis, T. M.—Mainland.
Lawrence & Son, H. M.—Albion.
Lepki & Sons, Inc., M.—Jeannette.
Levchik, Mike—Hooversville.
Liddard, Richard W.—South Waverly.
Livezey, Merrill—Sugar Grove.
Little & Son, L. D.—Hanover.
Locustdale Packing Co.—Locustdale.
Lofstead, Frank E.—Beallsville.
Lonczynski, Thaddeus—Hazleton.
Loutson Packing Co.—Canonsburg.
Lower's Store—Biglerville.
Luckenbill, Curtis T.—Kutztown.
Lukon Meats—Burgettstown.
Lux, Joseph H.—Jeannette.
Madrigale, Frank—Bristol.
Manieri, Inc.—Philadelphia.
Merkel, Clair R.—Hanover.
Martin, Charles G. & Leon G.—East Earl.

Martin, Ezra W.—Lancaster.
Marvin, Russell T.—Covington.
Martocci, Anthony—Roseto.
McGee, G. Fred—Connellsville.
Meadow Valley Abattoir, Inc.—Gettysburg.
*Medford's, Inc.—Chester.
Meoli, Peter—Berwyn.
Moatz, C. A. J.—Topton.
Moccio & Son, Angelo J.—Allentown.
Moore, Amos, Sr.—Montgomeryville.
Mount Rose Food Market—York.
Moyer Brothers—Reinholds.
Moyer, C. D., Co.—Shamokin.
Moyer & Sons, A. F.—Souderton.
Munger's Locker Plant—North East.
Myers Brothers—Spring Mills.
Myers Meat Market—Codorus.
Nace, Melvin M.—Hanover.
Naser's Home Dressed Meats—Greensburg.
Nell, C. R. & W. M.—East Berlin.
Ness, P. H.—York.
New Castle Packing Co.—New Castle.
New Holland Meat Market—New Holland.
Newman, Raymond H.—Hanover.
Newman's Market—Fairfield.
North Side Packing Co.—Pittsburgh.
Northup, Gerry C.—North East.
Oswald and Hess Co.—Pittsburgh.
Palgon Brothers—Tarentum.
Patterson's Meat Market—Littlestown.
Pennsylvania State University—University Park.

*Peters, William H., Inc.—Harrisburg.
Peters Bros. Meat Market—Lenhartsville.
Pettello, Charles A.—Keiser.
Pezner Brothers—Ashley.
Pleasant Unity Packing Co.—Pleasant Unity.
Prim Packing Co.—McDonald.
Pudliner, Jr., Charles John—Johnstown.
Putnak, Robert L.—Monongahela.
Punxsutawney Beef and Prov. Co.—Punxsutawney.
Reed, Jay—Latrobe.
Reichelderfer & Sons, E. H.—East Green-ville.

Reitz & Sons, Maynard M.—Winfield.
Reliable Provision Co.—Scranton.
Rendulic, Frank D.—McKeesport.
Ritter, Charles D.—Boyetown.
Robie Meat Packers, Inc.—Erie.
Rosen, Meyer—Creighton.
Rothermel, Wellington A.—Danville.
Rouman, Abram—Lansdale.
Rupert, Sr., Edgar B.—Chambersburg.
Rupert Meat & Poultry Supply—Rupert.
Sabatase Packing Co.—Siovan.
Saleburg's Abattoir—Shillington.
Schantz, Clifford G.—East Greenville.
Schickram, Franklin—Port Clinton.
Shaffer Slaughter Shop, Guy—Hooversville.
*Shamokin Packing Co.—Shamokin.
Shaw Brothers—Newry.
Shively Brothers—Mifflinburg.
Shober, Roy L.—Denver.
Sicilia, Frank—New Kensington.
Silver Lake Packing Co.—Dunmore.
Silverberg Meats—Bradford.
Smalstig, Fred—Millvale.
Smelko Brothers—Mt. Pleasant.
Smith's Quality Super Market—Glen Rock.
Snowberger Bros.—East Freedom.
Spidle's Meat Market—Lancaster.
Spitzler's Meat Products, Inc.—Uniontown.
Sprecher, Chester A.—Fleetwood.
Spungin's Abattoir, Inc.—Harrisburg.
Stambaugh's Food Market—Spring Grove.
Stehle, Julius—Eightyfour.
Steinkirchner, George—Jennerstown.
Stepniak, William—Hop Bottom.
Sterner's Grocery, Inc.—Hanover.
Stockton's Wholesale Meats—Columbus.
Strunk Bros.—Hereford.
Taylor Co., J. V.—Wyalusing.
Tavernini, Alex.—Portage.
Thoma's Slaughter House—Saxonburg.
Thompson Packing Co.—Jersey Shore.
Troutman, N. S. & C. H.—Freeburg.
Troutman Bros.—Klingerstown.
Traczynski, John—McKeesport.
Troy Meat Plant, Inc.—South of Troy.

Union Provision and Packing Co.—Pittsburgh.
United Home Dressed Meat Co.—Altoona.
Utz, Raymond R.—Hanover.
Venezia, Joseph—Norristown.
Venuto, Joseph—Philadelphia.
Walter's Slaughter House—Waterford.
Waltman, Donald E.—Allenwood.
War, Prosper—Conshohocken.
Warrington Packing Co., Inc.—Chalfont.
Waynesburg Packing Co.—Waynesburg.
Weiss Packing Co., Inc.—Donora.
*Weiler & Sons, Frank—Plymouth Meeting.
West Apollo Packing House—West Apollo.
Western Provision Co.—Erie.
*West Branch Beef & Provision Co.—Williamsport.
Western Provision, Inc.—Erie.
Wildasin's Meat Market—Hanover.
*Wilkes-Barre City Abattoir—Wilkes-Barre.
*Williamson's Wholesale Meats—Turbottville.

Winner Packing Co.—Lock Haven.
*Wolf River Sausage Co., Inc.—Weyauwega.
Wolfe, Thomas F. & Lawrence H.—Herdon.
Worthington, Warren H.—Pennsdale.
Yoder, Kermit C.—Hollsapple.
Yoder Sons, C. M.—Telford.
Yost, C. B.—Logansville.
Youndt, Robert L.—Denver.
Zeller, Alfred—Cedars.
Zitzman, C. B.—Mercersburg.

RHODE ISLAND

Berman, Inc., Louis M.—Pawtucket.
Bruno's Slaughterhouse—Westerly.
Burchard's Slaughterhouse—Foster.
Colfax Packing Co.—Pawtucket.
Concord Dressed Beef & Veal Co.—Pawtucket.
Cory's Slaughterhouse—Tiverton.
De Santa, John—Westerly.
Diamond Hill Packing Co.—Cumberland.
Parrillo, Inc., Anthony—Johnston.
Pezza's Slaughter House—Johnston.
Russo's Slaughterhouse—Bristol.
Sacco's Market—Westerly.

SOUTH CAROLINA

Balentine Packing Co.—Greenville.
*Brown Packing Co.—Greer.
*Carolina Abattoir—Columbia.
Cheraw Packing Plant—Cheraw.
*Cherokee Packing Co., Inc.—Gaffney.
*Dixie Livestock Co.—Greenwood.
Harmon Provision Co.—Saluda.
Hodges Sales Co.—Abbeville.
*Kimmerlin's Wholesale Meat Packing Plant—Orangeburg.
Kingan Division, Hygrade Food Products Corp.—Orangeburg.
*Old Port Packing Co.—Walterboro.
Reliable Auctions, Inc.—Abbeville.
*Roddey Packing Co., Inc.—Columbia.
*Southland Provision Co.—Orangeburg.
Spartanburg Abattoir—Spartanburg.
*Turner's Abattoir, T. M.—Woodruff.
*United Beef Co., Inc.—Gaffney.

SOUTH DAKOTA

Planery Sausage Co.—Millbank.
Trumbull Packing Co.—Sioux Falls.

TENNESSEE

*Baker's Processing Co.—McKenzie.
Baltz Brothers Packing Co.—Nashville.
Barnett's Grocery—Huntingdon.
Bill's Processing Plant—Dyersburg.
Brantley & Tillet—Shelbyville.
*Bridwell Packing Co.—Kingsport.
Brothers Seafood—Winchester.
Bryson Packing Co.—Somerville.
Carey Packing Co.—Morristown.
Carthage Grocery & Locker—Carthage.
Castellaw's Slaughterhouse—Alamo.
Charlie's Slaughterhouse—Trenton.
*Chattanooga Sausage Co.—Chattanooga.
Cook's Slaughterhouse—Dyersburg.
Cribbs Sausage Co.—Memphis.
Dixie Sausage Co.—Lebanon.
Duck River Sausage Co.—Manchester.

Payette Packing Co.—Eads.
 Fineberg Packing Co.—Memphis.
 *Fletcher Bros.—Lenoir City.
 Pollis Slaughterhouse, Roy—Gadsden.
 Pouch Grocery & Market—Cookeville.
 Glasgow Market—Dresden.
 Glasgow Meat Co.—Martin.
 Hackett's Meat Co.—Carthage.
 Hartsville Locker (McDonald Meats)—Hartsville.
 Hendon's Slaughterhouse—Milan.
 Hickory Valley Packing Co.—Hickory Valley.
 Hill's Wholesale Meats—Dayton.
 Hyde, Ed—Gallatin.
 Jackson Packing Co.—Jackson.
 *Jacobs Packing Co.—Nashville.
 Lingo Packing Co.—Jonesboro.
 *Loomis Frozen Food Co., Inc.—Sweetwater.
 McMinnville Meat Co.—McMinnville.
 Moore, John L.—Fayetteville.
 Morrissey Meats & Provisions—Nashville.
 *Morton Bros.—Johnson City.
 Napier, W. B.—Celina.
 *Norman's Packing Co.—Covington.
 Penn's Market—Trenton.
 *Powell Wholesale Meats, Charles J.—Chattanooga.
 *Purity Packing Co.—Powell.
 Rakes Slaughterhouse—Watertown.
 Randolph Produce Co.—Crossville.
 Savannah Process & Locker—Savannah.
 *Sell Meat Co.—Johnson City.
 Smith Packing Co.—Nashville.
 Smith's Market—Gallatin.
 *Southern Provision Co.—Chattanooga.
 Stephen's Slaughterhouse—Savannah.
 Sulla Wholesale Meats, Wade—Johnson City.
 Summer's Slaughterhouse—Hollow Rock.
 Sunnydale Meat Products, Inc.—Nashville.
 Tennessee Valley Packing Co.—Columbia.
 Thompson & Groce Provision Co.—Fayetteville.
 *Wade Bullo—Johnson City.
 Wilkerson Slaughter House—Selmer.

TEXAS

A. B. C. Packing Co.—Wichita Falls.
 Alamo Braun Beef Co.—San Antonio.
 *Allen's Wholesale Meats—McKinney.
 Amarillo Packing Co.—Amarillo.
 Apache Packing Co.—San Antonio.
 Auge Packing Co., Ed.—San Antonio.
 Azle Food Locker Corp.—Azle.
 Berryhill Packing Co., Inc.—Levelland.
 Big 4 Packing Co.—Perryton.
 Brown's Slaughter House—Annona.
 Burlinson Packing Co.—Wichita Falls.
 Burton Bros. Public Abattoir—Houston.
 Central Packing Co.—Wichita Falls.
 Circle B Packing Co.—Dallas.
 *City Custom Packing, Inc.—Houston.
 Collins Packing Co.—Morton.
 Columbia Packing Co.—Dallas.
 *Crow Packing Co.—Pecos.
 *Dallas City Packing Co.—Dallas.
 *Dixon Packing Co., Inc.—Houston.
 *Ehrman Bros. Packing Co.—Plainview.
 Estes Brothers Packing Co.—Fort Worth.
 *Freeman Packing Co.—Houston.
 Glover Packing Co. of Amarillo—Amarillo.
 Golden Spread Packing Co.—Amarillo.
 *Goode Slaughterhouse—Denison.
 *H & R Meat Co.—Vernon.
 Haley's Food Locker—Crowley.
 Hereford Meat Co.—Hereford.
 *High Grade Packing Co.—Galveston.
 Lamesa Meat Co.—Lamesa.
 Locker, Floyd—Spearman.
 Lubbock Packing Co.—Lubbock.
 Montes Packing Co.—El Paso.
 *Newsom Packing Co.—Mt. Pleasant.
 *Newsom Packing Co.—Mt. Vernon.
 P & H Packing Co.—Dallas.
 Pace Packing Co., Inc.—Sweetwater.
 Panhandle Packing Co., Inc.—Pampa.
 *Penn Packing Co.—McKinney.
 Perryton Packing Co.—Perryton.
 Pickering Abattoir (P & S Meats)—Texarkana.

Pinkney Packing Co.—Amarillo.
 Pitner & Hensley—Denton.
 Plains Beef Co.—Amarillo.
 Plains Beef Co.—Borger.
 *Pratt Packing Co., Inc.—Sulphur Springs.
 Quality Packing Co.—San Antonio.
 Queen's Custom Slaughter—Bovina.
 Richards Slaughter House—Bovina.
 *Roberts Wholesale Beef—Van Horn.
 Select Meat Co.—San Antonio.
 *Southern Packing Co.—Denison.
 Steuarnagel Packing Co.—San Antonio.
 Stratford Frozen Food Lockers—Stratford.
 Tyler Packing Co.—Tyler.
 Watkins Packing Co.—Dalhart.
 *West Texas Packing Co.—San Angelo.
 Wickham Packing Co., Inc.—Longview.
 *Wilburn & Miller Wholesale Meats—Denison.

Wolf Meat Co.—San Antonio.
 *Wright Packing Co.—Vernon.

UTAH

*Bills and Co., A.—Midvale.
 Blue Mountain Meats—Monticello.
 *Granite Meats—Murray.
 Granite Meat and Livestock Market—Murray.
 *Harper Packing Co.—Brigham City.
 *Langston Packing Co.—Hurricane.
 *Ogden Dressed Meat Co.—Ogden.
 *Parke and Son, Wm. C.—Ogden.
 *Tri-Miller Packing Co.—Hyrum.

VERMONT

Delairs Slaughtering Establishment—East Montpelier.
 Gibbs Slaughtering Establishment, John A.—Bradford.
 Quinn Slaughtering Establishment, T. Gerold—Poultney.

VIRGINIA

*Danville Meat Supply, Inc.—Danville.
 *Green Hill, Inc.—Elliston.
 *Isom's Slaughter House—Galax.
 *Harrell Bros.—St. Brides.
 *McKenna Inc.—Lynchburg.
 *Perlin Packing Co.—Norfolk.
 Rhymer & Coleman—Bristol.
 Rosenbaum Slaughterhouse, Clyde—Glade Springs.
 Snodgrass Brothers, Inc.—Pennington Gap.
 *Southern Packing Corp.—Norfolk.
 *Suffolk Packing Co., Inc.—Suffolk.

WASHINGTON

A & W Packing Co., Inc.—Moses Lake.
 Chambers Packing Co.—Tumwater.
 Colfax Market—Colfax.
 *Curcio Packing No. 76—Walla Walla.
 DeJong Packing Co. No. 14—Lynden.
 Evergreen Packing Co.—Vancouver.
 Excel Sausage & Meat Co.—Spanaway.
 Farmers Meat Co. No. 50—Sumas.
 Federal Packing Co.—Everett.
 *Federal Meat Co.—Tacoma.
 Ferry Brothers, Inc.—Ferndale.
 Fischer Packing Co. No. 85—Issaquah.
 Florence Packing Co. No. 6—East Stanwood.
 *Grandview Packing Co.—Grandview.
 Gray's Harbor Meat Co.—Hoquiam.
 *H & H Meat Packers—Yakima.
 *Henry, James Packing No. 2—Seattle.
 Hibbs Packing Co. No. 43—Ellensburg.
 Johansen's Meats No. 41—Enumclaw.
 Kelly Packing Co.—Chehalis.
 Kenmore Packing Co.—Bothell.
 *Knight Packing Co. No. 21, James—Woodinville.
 Kratzig Meat Co.—Bellingham.
 *Lewis River Meat Co. No. 118—Woodland.
 *Longview Meat Co. No. 87—Longview.
 Martin's Meat & Livestock No. 67—Goldendale.
 McInroy Meat Co.—Wilbur.
 *Meats, P. D. & J.—Kent.
 Methow Valley Meat Co.—Twisp.
 *Miller Packing Co.—Seattle.
 Monroe Packing Co.—Methroe.
 Newport Packing Co.—Newport.

Norman Wirtz No. 67—Chehalis.
 *Pacific Meat Co.—Puyallup.
 *Pasco Central Stockyards & Salesyard—Pasco.
 Pasco Meat Packers, Inc.—Pasco.
 Rice Meat Packing Co. No. 103—Veradale.
 Schoner Meat Co. No. 30—Silverdale.
 Shelton Meat Co.—Shelton.
 Sterk Meat Co. No. 55, Hans—Wenatchee.
 Snohomish Packing Co.—Snohomish.
 Stoll's Packing Plant—Rosalia.
 Valley Meat Co. No. 122—Chimacum.
 *Valley Packing Co.—Tacoma.
 Weber & Rittner Co., Inc. No. 20—Sumner.
 *Wenatchee Packing Co.—Wenatchee.
 Mount Vernon Meat Co. No. 93—Mount Vernon.

WEST VIRGINIA

Balls Wholesale Meat Co.—Kenova.
 Bell Market, M. J.—Blacksburg.
 Bluegrass Market, Inc.—Lewisburg.
 Bridwell Packing House—Bluefield.
 Brumfield, Jake—Huntington.
 Camp Packing Co.—Parkersburg.
 Coleman, M. E., Packing Co.—Oak Hill.
 Crowley Sausage Co.—Kellsville.
 Cissel Packing Co., Inc.—Huntington.
 Elm Grove Packing Co.—Wheeling.
 Fischer & Fischer—Charleston.
 Gamble & Son Market—Moundsville.
 *Greenbrier Valley Stock Yards, Inc.—Roncheville.
 Hatten Wholesale Meat Co.—Huntington.
 Holz Sons Co., P. E.—Charleston.
 Hoverson Heights Packing Co.—Follansbee.
 Independent Dressed Beef Co.—Morgantown.
 Jenkins, Frank M.—Martinsburg.
 Logan, S. S. Packing Co.—Huntington.
 Mauk's Meat Market—Romney.
 McCown, L. M. & Sons Co.—Charleston.
 Miller Brothers—Martinsburg.
 Morland, Henry, Inc.—Parkersburg.
 Niebergall & Martini, Inc.—Wheeling.
 Peerless Packing Co.—Beckley.
 Places Butchering Quarters—Martinsburg.
 Simmons, H. L. & Sons—Moundsville.
 Smith Packing House—Parkersburg.
 Smittle Packing—Paden City.
 Staggs Meat Market—Burlington.
 Stuart, Nate & Sons, Inc.—Mt. Clare.
 Tabron, George H., Tabron, G. H.—Shinnston.
 Thompson Brothers Packing Co.—Bluefield.
 United Packing Co.—Wheeling.
 Welmer Packing Co.—Wheeling.
 Wenzel Co., John—Wheeling.
 Whitehall Packing Co.—Watson.
 Young & Stout, Inc.—Clarksburg.
 Rupert Meat & Poultry Supply—Rupert.

WISCONSIN

Bohrer's Packing Co.—Muskego.
 Born and Son, August—Milwaukee.
 Clinton Packing Inc.—Clinton.
 Curless Meat Plant—Brodhead.
 Dobrats Meat Market—Shawano.
 Dolfin and Lloyd Janisse, Paul—Costburg.
 Holland's Food & Locker—Juda.
 Host Brothers—Lake Geneva.
 Kenosha Packing Co.—Kenosha.
 Meier Slaughterhouse, Alfred—Monroe.
 Meredith Corrigan—Saxon.
 Muskego Packing Co.—Muskego.
 Polar Locker—La Crosse.
 Quality Packing House—New London.
 *Richberg & Son, N.—Manitowoc.
 Sawyer & Walter—East Troy.
 Schaefer Sausage Co., Inc.—Oshkosh.
 Schams Slaughterhouse, John—LaCrosse.
 South Side Packing Co.—Milwaukee.
 Stoppenbach Sausage Co.—Jefferson.
 Sykes Packing Co.—Canton.
 Thomson Packing Co.—West De Pere.
 Valley Packing Co.—Kaukauna.
 Van Vonderen, Fred—Seymour.
 Vere Ferries—Ontario.
 Weinstein Slaughter Establishment—Superior.
 *Wolf River Sausage Co., Inc.—Weyauwega.
 *Zitron Bros., Inc.—Milwaukee.

WYOMING

K & B Cold Storage Co.—Afton.
Ranchester Slaughtering Service—Ranchester.

*Rocky Mountain Packing Co.—Casper.
*S & S Packing Co.—Cheyenne.
Shy-Ann Packing Co.—Cheyenne.
Torrington Packing Co., Inc.—Torrington.
Triangle Packing Co.—Worland.

§ 78.16 *Director of Division may designate areas and approve stockyards and slaughtering establishments.* (a) The Director of Division is hereby authorized to amend § 78.13 to designate additional States, or political subdivisions or portions thereof, as modified certified brucellosis free areas when he determines that the areas come within the definition in § 78.1 (1), and to delete any such area from the list of modified certified brucellosis-free areas when he determines that the area no longer comes within such definition.

(b) The Director of Division is hereby authorized to amend §§ 78.14 and 78.15 to add the names of additional stockyards at which Federal inspection is maintained for the inspection of livestock for communicable diseases; to specifically approve stockyards and slaughtering establishments for the purposes of the regulations in this part when he determines that the inspection and handling of livestock or carcasses or products thereof at such stockyards or establishments are adequate to effectuate the purposes of such regulations; to delete the name of any stockyard at which such Federal inspection is no longer maintained; and to delete the name of any stockyard or slaughtering establishment so specifically approved when he finds that the inspection or handling of livestock or carcasses or products thereof at such stockyard or establishment is no longer adequate to effectuate the purposes of such regulations.

PART 79—SCRAPIE IN SHEEP

Sec.
79.1 Definitions.
79.2 Notice and quarantine.
79.3 General restriction.
79.4 Movement of sheep from and through a quarantined area.
79.5 Disinfection of facilities.

AUTHORITY: §§ 79.1 to 79.5 issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended, sec. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111-113, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 115, 117, 124, 126.

§ 79.1 *Definitions.* As used in this part, the following terms shall have the meanings set forth in this section.

(a) *Division.* The term "Division" means the Animal Disease Eradication Division of the United States Department of Agriculture.

(b) *Director of the Division.* The term "Director of the Division" means the Director of the Division or any other official of the Division to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(c) *Division inspector.* The term "Division inspector" means an inspector of the Division.

(d) *Person.* The term "person" means any person, company or corporation.

(e) *Moved.* The term "moved" means transported, shipped, delivered or received for transportation, driven on foot or caused to be driven on foot, by any person.

(f) *Interstate.* The term "interstate" means from one State, Territory, or the District of Columbia, into or through any other State, Territory, or the District of Columbia.

§ 79.2 *Notice and quarantine.* Notice is hereby given that sheep in Illinois and Ohio are affected with scrapie, a contagious, infectious, and communicable disease, and the following areas in said States are hereby quarantined because of said disease:

(a) *Illinois.* (1) La Salle County: SW 120 acres of the SW quarter (¼) of Section 13, Township 34 N, Range 5 E;

(2) Warren County: SW quarter (¼) of Section 15, Township 8 N, Range 3 W;

(b) *Ohio.* (1) Pickaway County: That part of Walnut Township, Range 21, Section 22 (known as the J. Wright Noecker Farm), bounded on the south by the Ashville Fairfield Road beginning at a point 2,350 feet east of the junction of said road and the Circleville Winchester Road, continuing east along the former Road for a distance of 1,400 feet; bounded on the east by a line running from that point northward a distance of 2,750 feet; bounded on the north by a line beginning at that point and running westward parallel to the Ashville Fairfield Road for a distance of 1,050 feet, then running south for a distance of 850 feet, then running west for a distance of 350 feet; and bounded on the west by a line running from that point southward for a distance of 1,880 feet to its intersection with the Ashville Fairfield Road.

(2) Crawford County: That part of Holmes Township (known as the Pearson L. Linn Farm) consisting of a rectangular area extending 160 rods from east to west and 1.2 miles from south to north, bounded on the south by Holmes Center Road No. 36 and bounded on the east by Temple Road; and a rectangular area extending 160 rods from west to east and 1.5 miles from south to north, bounded on the south by Holmes Center Road No. 36 and bounded on the west by Temple Road. (These two areas are separated from south to north by Temple Road.)

§ 79.3 *General restriction.* No sheep shall be moved interstate from or through any quarantined area specified in § 79.2 except as provided in the regulations in this part.

§ 79.4 *Movement of sheep from and through a quarantined area.* (a) Sheep that have been directly exposed to scrapie may be moved interstate for immediate slaughter from any quarantined area specified in § 79.2, under conditions prescribed in advance by a Division inspector in each instance, to an establishment approved for that purpose by the Director of the Division, if such sheep are not infected with scrapie at the time of such movement.

(b) Sheep of flocks in a quarantined area specified in § 79.2 which upon inspection are found not to show evidence

of being infected with scrapie, and insofar as can be determined have not been exposed thereto, may be moved interstate for any purpose. Such inspection shall be made by a Division inspector and sheep so moved shall be accompanied by a certificate from such inspector showing that the sheep are free from scrapie and other contagious or communicable diseases and insofar as can be determined such sheep have not been exposed to scrapie or other contagious or communicable diseases.

(c) The Director of the Division may authorize the movement of sheep not infected with scrapie which is not otherwise authorized by this section under such conditions as he may prescribe to prevent the spread of scrapie.

(d) Sheep may be moved in direct transit between points outside the quarantined area specified in § 79.2 through any such quarantined area without restriction under this part.

§ 79.5 *Disinfection of facilities.* Railroad cars, trucks, boats, and all other facilities, including facilities for feeding, watering, and resting sheep, which are used in connection with the interstate movement of sheep from a quarantined area specified in § 79.2 shall be thoroughly cleaned and disinfected immediately after each such use. Sodium hydroxide (lye) at the rate of 13 ounces to 5 gallons of water, or sodium carbonate (soda ash) at the rate of 1 pound to 3 gallons of water, or sal soda at the rate of 13½ ounces to 1 gallon of water, shall be used in such disinfection.

PART 80—PARATUBERCULOSIS IN DOMESTIC ANIMALS

Sec.
80.1 Definitions.
80.2 Notice relating to existence of paratuberculosis.
80.3 General restriction.
80.4 Movement of paratuberculosis reactors.
80.5 Reshipment of purebred paratuberculosis reactors.
80.6 Marking of records.
80.7 Cleaning and disinfecting vehicles.
80.8 Segregation of paratuberculosis reactors en route interstate.
80.9 Certificates pertaining to movement of animals.

AUTHORITY: §§ 80.1 to 80.9 issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693; 21 U. S. C. 111-113, 114a-1, 120, 121, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended; 21 U. S. C. 115, 117.

§ 80.1 *Definitions.* As used in this part, the following terms shall have the meanings set forth in this section except as otherwise clearly indicated.

(a) *Paratuberculosis.* The infectious and communicable disease of domestic animals commonly known as Johne's disease and paratuberculosis.

(b) *State.* Any State, Territory, or the District of Columbia.

(c) *Interstate.* From one State to any other State.

(d) *Person.* Any person, company, or corporation.

(e) *Moved.* Shipped, transported or otherwise moved, or delivered or received for movement, by any person.

(f) *Public stockyard.* A stockyard designated in § 78.14 (a) of this sub-

chapter where trading in livestock is carried on, where yarding, feeding, and watering facilities are provided by the stockyard, transportation, or similar company, and where Federal inspection is maintained for the inspection of livestock for communicable diseases; or a stockyard specifically approved under § 78.14 (b) of this subchapter.

(g) *Federal inspector.* An inspector of the Agricultural Research Service, United States Department of Agriculture, responsible for the performance of the function involved.

(h) *State inspector.* An inspector regularly employed in livestock sanitary work of a State or political subdivision thereof, and who is authorized by such State or political subdivision to perform the function involved.

(i) *Accredited veterinarian.* A veterinarian approved by the United States Department of Agriculture to perform the function involved.

§ 80.2 *Notice relating to existence of paratuberculosis.* On June 5, 1952, the Secretary of Agriculture issued a notice that the contagion of paratuberculosis exists in domestic animals in Puerto Rico and in each State of the Continental United States except Arizona, Maine, New Hampshire, Rhode Island, Utah, and Wyoming (17 F. R. 5260).

§ 80.3 *General restriction.* Domestic animals affected with paratuberculosis may not be moved interstate except in compliance with the regulations in this part.

§ 80.4 *Movement of paratuberculosis reactors.* Domestic animals which have reacted to a test recognized by the Secretary of Agriculture for paratuberculosis may be moved interstate under this part for immediate slaughter direct to a slaughtering establishment operating under the provisions of the Meat Inspection Act of March 4, 1907 (34 Stat. 1260; 21 U. S. C. 71 et. seq.), or a slaughtering establishment specifically approved under § 78.15 (b) of this subchapter, or to a public stockyard for sale to such a slaughtering establishment, in accordance with the following requirements:

(a) Cattle which have reacted to such a test shall be marked for identification by branding the letter "T" on the left jaw in letters not less than 2 nor more than 3 inches high, and attaching to the left ear a metal tag bearing a serial number and the inscription "U. S. B. A. I. Reacted," or "U. S. Reacted," or a similar State reactor tag. Such a metal tag, affixed to the left ear, shall be sufficient identification for reactors other than cattle.

(b) The reactors shall be accompanied to destination, in accordance with § 80.9, by a certificate issued by a Federal or State inspector or an accredited veterinarian showing: (1) That the animals have reacted to a test recognized by the Secretary of Agriculture for paratuberculosis; (2) the reactor tag number of each animal and the name of the owner of such animal when it was tested for paratuberculosis; (3) that the animals may be moved interstate; (4) the destination to which they are to be moved; and (5) the purpose for which they are moved.

§ 80.5 *Reshipment of purebred paratuberculosis reactors.* Purebred animals which have been moved interstate for breeding purposes, and which, subsequent to such movement, have reacted to a test recognized by the Secretary of Agriculture for paratuberculosis, may be reshipped interstate under this part for purposes other than immediate slaughter in accordance with the requirements set forth in paragraphs (a) and (b) of § 80.4 and with the following additional requirements:

(a) The reactors shall be returned to the point of origin, consigned to the original owner.

(b) Test charts for the original test and any subsequent retest, showing that such tests were properly conducted, shall be submitted for examination to the person who issues the certificate required by § 80.4 (b).

(c) The reactors shall not be shipped to any State without specific provision by the appropriate livestock sanitary official thereof for the segregation or quarantine of such reactors until their death by slaughter or from natural causes.

(d) The reactors, after return to the point of origin, shall not again be moved interstate except for immediate slaughter in accordance with the provisions of § 80.4.

§ 80.6 *Marking of records.* Each transportation agency moving paratuberculosis reactors in the course of their interstate movement shall plainly write or stamp upon the face of each waybill, conductor's manifest, switch order, vehicle interchange record, and similar record, which it prepares in connection with such movement, the words "Paratuberculosis Reactors" and a statement to the effect that the railroad car, boat, truck or vehicle, in which the animals are transported is to be cleaned and disinfected.

§ 80.7 *Cleaning and disinfecting vehicles.* (a) Each railroad car, boat, truck, or other vehicle, in which paratuberculosis reactors are transported interstate shall be cleaned and disinfected in accordance with the provisions of §§ 71.4, 71.7, 71.9, 71.10, and 71.11 of this subchapter: *Provided, however,* That such vehicles may be cleaned and disinfected under the supervision of a Federal or State inspector or an accredited veterinarian: *And provided, further,* That if such supervision or proper cleaning and disinfection facilities are not available at the point where the animals are unloaded, upon permission first secured from the Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, the vehicle may be forwarded empty to a point at which such supervision and facilities are available and there be cleaned and disinfected.

(b) Each railroad car, boat, truck, or other vehicle, from which paratuberculosis reactors moved interstate are transferred en route to destination, shall be cleaned and disinfected, by the transportation agency delivering the vehicle to such point of transfer, under the supervision of a Federal or State inspec-

tor or an accredited veterinarian, immediately after unloading of the animals and before being moved from such point of transfer, in accordance with the provisions of §§ 71.9 through 71.11 of this subchapter: *Provided, however,* That if such supervision or proper cleaning and disinfection facilities are not available at such point of transfer, upon having first secured permission from the Animal Disease Eradication Division, the vehicle may be forwarded empty to a point at which such supervision and facilities are available and there be cleaned and disinfected.

§ 80.8 *Segregation of paratuberculosis reactors en route interstate.* Paratuberculosis reactors shall not be moved interstate in a railroad car, boat, truck, or other vehicle, containing healthy animals susceptible to paratuberculosis unless all of the animals are for immediate slaughter, or unless the reactors are kept separate from the other animals by a partition securely affixed to the sides of the vehicle.

§ 80.9 *Certificates pertaining to movement of animals.* (a) Whenever the regulations in this part require a certificate in connection with the movement of animals and the animals are moved by a transportation agency issuing waybills or other forms of billing covering the movement, the certificate shall be delivered to such transportation agency by the shipper at the time the animals are delivered for shipment; shall become the property of the transportation agency; shall be attached to the billing by the transportation agency; shall accompany such billing to the destination of the animals; and shall be filed with such billing for future reference.

(b) Whenever the regulations in this part require a certificate in connection with the movement of animals and the animals are moved by a transportation agency not issuing waybills or other forms of billing, or moved by any other means, the certificate shall accompany the animals to their destination and be delivered to the consignee, or, in case the consignor and consignee are the same person, to the first person purchasing during or after such movement, or to the person to whom the animals are delivered.

PART 81—EUROPEAN FOWL PEST AND SIMILAR POULTRY DISEASES

- Sec. 81.1 Interstate transportation of affected or exposed live poultry or materials prohibited.
- 81.2 Infected cars, premises, containers, and other accessories; not to be used for interstate movement of healthy animals until cleaned and disinfected.

AUTHORITY: §§ 81.1 and 81.2 issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended; 21 U. S. C. 111–113, 120, 121. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended; 21 U. S. C. 115, 117.

§ 81.1 *Interstate transportation of affected or exposed live poultry or materials prohibited.* No live chickens, turkeys, or geese affected with or directly exposed to the contagious disease known as European fowl pest or other similar

contagious poultry disease, and no carcasses of such animals which have died from any such disease, or manure or litter from such diseased animals, shall be shipped, transported, or moved from one State or the District of Columbia into another State or the District of Columbia.

§ 81.2 *Infected cars, premises, containers, and other accessories; not to be used for interstate movement of healthy animals until cleaned and disinfected.* No cars or premises which have contained shipments of any of the animals named in this part which have been found infected with European fowl pest or other similar contagious poultry disease, and no coops, containers, troughs, or other accessories used in the handling of such infected animals, shall be used in connection with the interstate movement of healthy animals of the same kind until the said cars, premises, coops, containers, troughs, or other accessories have been cleaned and disinfected under the supervision of the Animal Disease Eradication Division of the United States Department of Agriculture with a permitted disinfectant, as provided in §§ 71.4-71.11 of this subchapter, or with a 3 percent solution cresol compound, U. S. P.

PART 82—PSITTACOSIS OR ORNITHOSIS IN POULTRY

- Sec.
82.1 Definitions.
82.2 General restrictions.
82.3 Cleaning and disinfecting vehicles, premises, and accessories.

AUTHORITY: §§ 82.1 to 82.3 issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended; 21 U. S. C. 111-113, 120, 121. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended; 21 U. S. C. 115, 117.

§ 82.1 *Definitions.* As used in connection with this part, the following terms shall have the meaning set forth in this section.

(a) *Psittacosis or ornithosis.* The contagious, infectious, and communicable disease of poultry known as psittacosis or ornithosis.

(b) *State.* Any State, Territory, or the District of Columbia.

(c) *Interstate.* From one State to any other State.

(d) *Person.* Any person, company, or corporation.

(e) *Moved.* Shipped, transported or otherwise moved, or delivered or received for movement, by any person.

(f) *Division.* The Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture.

(g) *Federal inspector.* An inspector of the Agricultural Research Service, or the Agricultural Marketing Service, United States Department of Agriculture, responsible for the performance of the function involved.

(h) *State inspector.* An inspector regularly employed in livestock or poultry sanitary work of a State or a political subdivision thereof, who is authorized by such State or political subdivision to perform the function involved.

(i) *Accredited veterinarian.* A veter-

inarian specifically approved by the United States Department of Agriculture to perform the function involved.

§ 82.2 *General restrictions.* Poultry affected with psittacosis or ornithosis, and carcasses, parts and offal of such poultry, shall not be moved interstate for any purpose.

§ 82.3 *Cleaning and disinfecting vehicles, premises, and accessories.* (a) Railroad cars, boats, trucks, and other vehicles, and yards and other premises, which have contained poultry affected with psittacosis or ornithosis shall be cleaned and disinfected in accordance with the provisions of §§ 71.4 through 71.11 of this subchapter: *Provided, however,* That such vehicles, and yards and other premises, may be cleaned and disinfected under the supervision of a Federal inspector, a State inspector, or an accredited veterinarian: *And provided, further,* That if such supervision or proper cleaning and disinfection facilities are not available at the point where the poultry is unloaded, upon permission first received from the Division, such a vehicle may be forwarded to a point at which such supervision and facilities are available and there be cleaned and disinfected.

(b) Coops, containers, troughs, and other accessories used in the handling of an interstate movement of poultry affected with psittacosis or ornithosis shall be cleaned and disinfected as soon as possible thereafter and before such accessories are moved from the point of unloading. Such cleaning and disinfecting shall be done under the supervision of a Federal inspector, a State inspector, or an accredited veterinarian, with a permitted disinfectant specified in §§ 71.10 and 71.11 of this subchapter. If such supervision or proper cleaning and disinfection facilities are not available at the point where the poultry is unloaded, upon permission first received from the Division, such an accessory may be forwarded to a point at which such supervision and facilities are available and there be cleaned and disinfected.

(c) Coops, containers, troughs, and other accessories used in the handling of an intrastate movement of poultry affected with psittacosis or ornithosis shall not be moved interstate until such accessories have been cleaned and disinfected under the supervision of a Federal inspector, a State inspector, or an accredited veterinarian, with a permitted disinfectant specified in §§ 71.10 and 71.11 of this subchapter.

PART 83—SCREW-WORMS

- Sec.
83.1 Definitions.
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- Sec.
83.8 Interstate movement of livestock from areas of seasonal infestation or northern part of Florida.
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83.14 Applicability of general provisions in Part 71 of this chapter.

AUTHORITY: §§ 83.1 to 83.14 issued under secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791, as amended, 792, as amended; 21 U. S. C. 111-113, 120, 121. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended; 21 U. S. C. 115, 117.

§ 83.1 *Definitions.* As used in this part the following terms shall have the meanings set forth in this section:

(a) *Screwworms.* The communicable disease (myiasis) of livestock caused by the presence of the screwworm, *Callitroga hominivorax*.

(b) *Livestock.* Cattle, sheep, swine, goats, horses, mules, burros, or other livestock.

(c) *Director.* The Director of the Animal Disease Eradication Division, Agricultural Research Service, of the United States Department of Agriculture, or any other official of the Division to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) *Federal inspector.* An inspector of the Agricultural Research Service of the United States Department of Agriculture responsible for the function involved or a State employee appointed by the Department as a collaborator to perform the function involved.

(e) *Accredited veterinarian.* A veterinarian approved by the United States Department of Agriculture to perform the functions involved.

(f) *Person.* Any person, company, or corporation.

(g) *State.* Any State, the District of Columbia, or Puerto Rico.

(h) *Interstate.* From one State into or through any other State or Territory.

(i) *Area of recurring infestation.* The States designated as such in § 83.2 where screwworms usually exist throughout the year or where screwworms usually exist each year from May 1 through November 30.

(j) *Area of seasonal infestation.* The States designated as such in § 83.2 in which there is reason to believe screwworms may exist each year from May 1 through November 30.

(k) *Eradication area.* Alabama, Florida, Georgia, Mississippi, and South Carolina.

(l) *Florida quarantine line.* A line established by the State of Florida to separate areas quarantined by the State from non-quarantined areas lying to the north, such line beginning on the west coast of Florida at the mouth and on the north side of the Withlacoochee River and extending east along said river to U. S. Highway 19, then north along said highway to the intersection of that highway and State Highway 40 at Inglis, then east along said Highway 40 to the Town of Ocala and along its town limits so

as to place all of the town south of the line, then east along State Highway 40 through the Town of New Smyrna Beach to the end of said Highway on the east coast of Florida east of the Indian River, then north to Ponce de Leon inlet.

(m) *Northern part of Florida.* That part of Florida north of the Florida quarantine line.

(n) *Southern part of Florida.* That part of Florida south of the Florida quarantine line.

(o) *Moved.* Shipped, transported or otherwise moved, or delivered or received for movement, by any person, via land, water, or air.

(p) *Permitted precautionary spray.* Any spray or other pesticide listed in § 83.11 or otherwise permitted by the Director in specific cases for use under the regulations in this part.

(q) *Approved treatment.* Any wound treatment listed in § 83.11 or otherwise permitted by the Director in specific cases for use under the regulations in this part.

(r) *Federally inspected slaughtering establishment.* Any establishment where slaughtering operations are conducted under Federal meat inspection pursuant to the Meat Inspection Act of March 4, 1907, as amended and extended (21 U. S. C. 71-96).

§ 83.2 *Notice relating to existence of screwworms.* Notice is hereby given that screwworms usually exist in Florida, Louisiana, Texas, and Puerto Rico throughout the year and usually exist in Arkansas during the period May 1 through November 30, both inclusive, of each year, and said areas are hereby designated as areas of recurring infestation. Notice is also hereby given that there is reason to believe that screwworms may exist in all other States of the United States during the period May 1 through November 30, both inclusive, of each year, and such States are hereby designated as areas of seasonal infestation.

§ 83.3 *Notice of regulation.* Notice is hereby given that in order to effectually suppress and extirpate screwworms, to prevent the spread and dissemination of the contagion thereof, and to protect the livestock of the United States, the regulations in this part or promulgated to govern the interstate movement of livestock from areas of recurring infestation and areas of seasonal infestation.

§ 83.4 *Interstate movements of affected livestock.* No livestock affected with, or carrying the contagion of, screwworms shall be moved interstate for any purpose.

§ 83.5 *Cleaning and treatment of means of conveyance, facilities and premises; litter and manure.* (a) (1) Railroad cars, trucks, boats, aircraft, and other vehicles used in connection with the interstate movement of any livestock affected with, or carrying the contagion of, screwworms shall be thoroughly cleaned and treated in accordance with this paragraph immediately after the livestock are unloaded at destination and at each point enroute where the livestock are transferred to another means of conveyance, if the carrier has been given notice from the

United States Department of Agriculture or is otherwise on notice that the livestock are so affected or carry such contagion. Otherwise the boat, aircraft, or vehicle shall be so cleaned and treated immediately upon receipt of such notice and wherever it is then located, except that if the boat, aircraft, or vehicle is in transit at the time such notice is received such cleaning and treatment may be postponed until such means of conveyance arrives at its next destination, where it shall be immediately cleaned and treated in accordance with this paragraph. Compliance with this paragraph shall be the responsibility of the carrier having custody of the means of conveyance at the time that cleaning and treatment is required.

(2) Except as provided in subparagraph (1) of this paragraph, no person, knowing that a railroad car, truck, boat, aircraft, or other vehicle has contained any livestock affected with, or carrying the contagion of, screwworms shall move such boat, aircraft, or vehicle interstate for any purpose until it has been thoroughly cleaned and treated in accordance with this paragraph.

(3) Yards, pens, chutes, alleys, and other facilities and premises which have been used in connection with interstate shipments of any livestock affected with, or carrying the contagion of, screwworms shall be thoroughly cleaned and treated in accordance with this paragraph immediately after such use. Compliance with this requirement shall be the responsibility of the person in possession of such premises or facilities.

(4) All cleaning and treatment required by this paragraph shall be conducted under supervision of a Federal inspector, and shall be conducted in accordance with § 71.9 of this chapter except that all litter and manure removed from any means of conveyance, facilities or premises shall be handled in such a manner as is required by the inspector to insure the destruction of screwworms (in any stage of the life cycle) that might be contained therein; and instead of a permitted disinfectant, dieldrin or heptachlor shall be used in accordance with directions given by the Federal inspector to carry out the purposes of this part; and it shall not be necessary to treat the surfaces of fencing or troughs. Aircraft shall be subject to the same requirements as are applicable to boats, and all other vehicles shall be subject to the same requirements as are applicable to cars under this paragraph and § 71.9 of this chapter.

(b) Whenever any livestock are inspected at an inspection station or other place under § 83.6 or § 83.7 (a) or (b), all straw and other litter in the railroad car, truck, boat, aircraft, or other vehicle, used in connection with the movement of the livestock to such station or other place shall be thoroughly saturated with dieldrin, heptachlor or Bayer 21/199 under the supervision of the Federal inspector. No person, knowing that a railroad car, truck, boat, aircraft, or other vehicle, is one in which such livestock were moved to such an inspection station or other place under this part, shall move such means of conveyance interstate until all litter

therein has been treated as required by this paragraph.

§ 83.6 *Interstate movement of livestock from certain areas of recurring infestation by road vehicle or on foot.* Except as authorized under § 83.12, no livestock shall be moved by road vehicle or on foot, interstate, into or through any part of the eradication area from Louisiana or Texas, or the southern part of Florida at any time, or from Arkansas during the period May 1 to November 30, both inclusive, of any year, unless:

(a) Such livestock have been inspected by a Federal inspector at an appropriate inspection station designated in § 83.10; have been found upon such inspection to be free of any evidence of screwworms; then have been thoroughly treated with a permitted precautionary spray under the supervision of the inspector at such inspection station; and have been certified by the inspector in accordance with § 83.9 (a) and are accompanied to destination by such certificate; or

(b) Such livestock are being moved, for immediate slaughter, to a federally inspected slaughtering establishment or to a slaughtering establishment specifically approved in § 78.15 (b) of this chapter; have been inspected by a Federal inspector at an appropriate inspection station designated in § 83.10; have been found upon such inspection to be free of any evidence of screwworms; any wounds of the livestock have been given an approved treatment under the supervision of the inspector at such station; and the livestock have been certified by the inspector in accordance with § 83.9 (b) and are accompanied to destination by such certificate; or

(c) Such livestock are lactating cows or goats for dairy purposes or any livestock under two weeks of age; have been inspected by a Federal inspector at an appropriate inspection station designated in § 83.10; have been found upon such inspection to be free of any evidence of screwworms; any wounds of the livestock have been given an approved treatment under the supervision of the inspector at such station; and the livestock have been certified by the inspector in accordance with § 83.9 (c) and are accompanied to destination by such certificate.

§ 83.7 *Interstate movement of livestock from certain areas of recurring infestation by railroad or water or air carrier.* (a) Except as authorized under § 83.12, no livestock shall be moved by railroad, interstate, into or through any part of the eradication area from Louisiana or Texas at any time, or from Arkansas during the period May 1 to November 30, both inclusive, of any year, unless: (1) Such livestock have been unloaded at a feed-water-and-rest station at Baton Rouge, Louisiana, or a public stockyard, designated in § 78.14 of this chapter, at New Orleans, Louisiana, or Memphis, Tennessee, where in either case Federal inspection is made available, or are moved to such a station in Vicksburg, Mississippi, from Louisiana by the shortest possible route; are inspected by a Federal inspector at such station or stockyard and found upon

such inspection to be free of any evidence of screwworms; then are thoroughly treated at such station or stockyard with a permitted precautionary spray under the supervision of the inspector; and are certified by the inspector in accordance with § 83.9 (a) and are accompanied to destination by such certificate; or

(2) Such livestock are being moved, for immediate slaughter, to a federally inspected slaughtering establishment or to a slaughtering establishment specifically approved in § 78.15 (b) of this chapter; are moved to and unloaded and inspected at a feed-water-and-rest station or a public stockyard as provided in subparagraph (1) of this paragraph and found upon such inspection to be free of any evidence of screwworms; any wounds of the livestock are given an approved treatment under the supervision of the inspector at such station or stockyard; and the livestock are certified by the inspector in accordance with § 83.9 (b) and are accompanied to destination by such certificate; or

(3) Such livestock are lactating cows or goats for dairy purposes or any livestock under two weeks of age; are moved to and unloaded and inspected at a feed-water-and-rest station or a public stockyard as provided in subparagraph (1) of this paragraph and found upon such inspection to be free of any evidence of screwworms; any wounds of the livestock are given an approved treatment under the supervision of the inspector at such station or stockyard; and the livestock are certified by the inspector in accordance with § 83.9 (c) and are accompanied to destination by such certificate.

(b) Except as authorized under § 83.12, no livestock shall be moved by railroad or water or air carrier, interstate, into or through any part of the eradication area from the southern part of Florida at any time, unless prior to loading at the point of origin of the shipment such livestock have been inspected by a Federal inspector; have been found upon such inspection to be free of any evidence of screwworms; then have been thoroughly treated with a permitted precautionary spray under the supervision of the inspector; and have been certified by the inspector in accordance with § 83.9 (a) and are accompanied to destination by such certificate, except that (1) livestock being moved, for immediate slaughter, to a federally inspected slaughtering establishment or to a slaughtering establishment specifically approved in § 78.15 (b) of this chapter, and (2) lactating cows and goats for dairy purposes and any livestock under two weeks of age shall not be treated with the permitted precautionary spray but any wounds of such livestock shall be given an approved treatment under the supervision of the inspector and the livestock shall be certified by the inspector in accordance with § 83.9 (b) or (c), respectively.

(c) Except as authorized under § 83.12, no livestock shall be moved by water or air carrier, interstate, into or through any part of the eradication area from Louisiana, Texas or Puerto Rico at any time, or from Arkansas during the

period May 1 to November 30, both inclusive, of any year, unless such livestock have been inspected by a Federal inspector or an accredited veterinarian within 36 hours prior to loading at the point of origin of the shipment; have been found upon such inspection to be free of any evidence of screwworms; any wounds of the livestock have been given an approved treatment under the supervision of the inspector; and the livestock have been certified by the inspector in accordance with § 83.9 (d) and are accompanied to destination by such certificate.

§ 83.8 *Interstate movement of livestock from areas of seasonal infestation or northern part of Florida.* (a) Except as provided in paragraph (b), (c), or (d) of this section or under § 83.12, no livestock shall be moved by road vehicle, or on foot, or by railroad or water or air carrier, interstate, into or through any part of the eradication area from any of the areas of seasonal infestation outside the eradication area, during the period May 1 to November 30, both inclusive, of any year, or from the northern part of Florida at any time, unless such livestock have been inspected by a Federal inspector or an accredited veterinarian and found to be free of any evidence of screwworms within 36 hours prior to loading for such movement and have been certified by the inspector or veterinarian in accordance with § 83.9 (d) and the certificate accompanies the livestock to destination.

(b) Except as provided in paragraphs (c) and (d) of this section, livestock originating in North Carolina or Tennessee may be moved interstate into Mississippi, Alabama, Georgia, or South Carolina from North Carolina or Tennessee during the period May 1 to November 30, both inclusive, of any year directly to a federally inspected slaughtering establishment or to a slaughtering establishment specifically approved in § 78.15 (b) of this chapter, for immediate slaughter, or to a federally inspected stockyard or a specifically approved stockyard listed in § 78.14 of this chapter, without inspection and certification as required by paragraph (a) of this section, if the livestock are accompanied to destination by a certificate signed by the consignor of the livestock stating: (1) The number, kind, breed, and sex of livestock covered by the certificate; (2) the destination of the livestock; (3) the purpose for which the livestock are moved interstate; (4) the point from which the livestock are moved interstate; (5) the names and addresses of the consignor and consignee; and that to the best knowledge of the consignor such livestock bear no evidence of screwworms. The movement during said period from such stockyards to other destinations of such livestock must comply with the provisions of this part the same as if the livestock had been originally consigned direct from the point of origin to such destination except that any inspection and certification required shall be performed at such stockyards.

(c) Except as provided in paragraph (d) of this section or § 83.12, no livestock shall be moved by road vehicle, or on foot, or by railroad, or otherwise, interstate,

into or through any part of the eradication area from any public stockyard designated in § 78.14 (a) of this chapter, where Federal inspection is maintained, at Memphis, Tennessee, during the period May 1 to November 30, both inclusive, unless: (1) Such livestock have been inspected by a Federal inspector at the stockyard; have been found upon such inspection to be free of any evidence of screwworms; then have been thoroughly treated under the supervision of a Federal inspector with a permitted precautionary spray at the stockyard; and have been certified by the Federal inspector in accordance with § 83.9 (a) and are accompanied to destination by such certificate, or (2) such livestock are being moved, for immediate slaughter, to a federally inspected slaughtering establishment or to a slaughtering establishment specifically approved in § 78.15 (b) of this chapter, have been inspected by a Federal inspector at such stockyard; have been found upon such inspection to be free of any evidence of screwworms; any wounds on the livestock have been given an approved treatment under the supervision of the inspector at such stockyard; and the livestock have been certified by the inspector in accordance with § 83.9 (b) and are accompanied to destination by such certificate; or (3) such livestock are lactating cows or goats for dairy purposes or any livestock under two weeks of age; have been inspected by a Federal inspector at the stockyard; have been found upon such inspection to be free of any evidence of screwworms; any wounds of the livestock have been given an approved treatment under the supervision of the inspector at such stockyard; and the livestock have been certified by the inspector in accordance with § 83.9 (c) and are accompanied to destination by such certificate.

(d) Any livestock being moved interstate from any of the areas of seasonal infestation through any of the areas of recurring infestation, except the northern part of Florida, in transit into or through any part of the eradication area, shall be deemed to be moving from such area of recurring infestation when they depart from it and shall be subject to the requirements of § 83.6 or § 83.7, instead of this section, unless they are moved through such area of recurring infestation wholly via air carrier, in which case they shall be subject to the applicable requirements of paragraph (a), (b), or (c) of this section.

§ 83.9 *Certificates; forms and distribution.* (a) When a lot of livestock has been inspected and found to be free of any evidence of screwworms and has been thoroughly treated with a permitted precautionary spray at an inspection station or other place in accordance with § 83.6 (a), § 83.7 (a) (1) or (b), § 83.8 (c) (1), or § 83.12 (a), the inspector may issue a certificate, in quadruplicate, reciting such facts, identifying the lot by number of livestock, kind, breed, and sex, and giving the date of inspection and treatment, the names and addresses of the consignor and consignee, and the point of origin and destination of the shipment.

(b) When a lot of livestock, to be moved under this part, for immediate slaughter, to a federally inspected slaughtering establishment or a slaughtering establishment specifically approved in § 83.15 (b) of this chapter, has been inspected and found free of any evidence of screwworms and treated at an inspection station or other place in accordance with § 83.6 (b), § 83.7 (a) (2) or (b), § 83.8 (c) (2), or § 83.12 (a), the inspector may issue a certificate in quadruplicate, reciting that the lot has been so inspected and found free of any evidence of screwworms and treated, identifying the lot by number of livestock, kind, breed, and sex, and giving the date of inspection and treatment, the names and addresses of the consignor and consignee, and the point of origin and destination of the shipment.

(c) When a lot of lactating cows or goats for dairy purposes or any livestock under two weeks of age has been inspected and found free of any evidence of screwworms and treated at an inspection station or other place in accordance with § 83.6 (c), § 83.7 (a) (3) or (b), § 83.8 (c) (3), or § 83.12 (a), the inspector may issue a certificate, in quadruplicate, reciting that the lot has been so inspected and found free of any evidence of screwworms and treated, identifying the lot by number of livestock, kind, breed, and sex, and giving the date of inspection and treatment, the names and addresses of the consignor and consignee, and the point of origin and destination of the shipment.

(d) When a lot of livestock, to be moved from an area of seasonal infestation or the northern part of Florida under § 83.8 (a), or by water or air carrier from an area of recurring infestation under § 83.7 (c), has been inspected by a Federal inspector or an accredited veterinarian and found to be free of any evidence of screwworms, in accordance with said sections, such inspector or veterinarian may issue a certificate, in quadruplicate, reciting that the lot has been so inspected and found free of any evidence of screwworms, identifying the lot by number of livestock, kind, breed, and sex, and giving the date of inspection, the names and addresses of the consignor and consignee, and the point of origin and destination of shipment. In the case of livestock moved under § 83.7 (c), the certificate shall also state that any wounds on the livestock have been given an approved treatment under the supervision of the inspector.

(e) The certificate forms may specify such other information as is required by the Director to carry out the purposes of this part.

(f) The original of each certificate provided for in this section shall be furnished to the applicant therefor and shall accompany the lot of livestock covered by it to destination. The official issuing the certificate should send a copy thereof to the State veterinarian and to the Federal veterinarian in charge of animal disease eradication activities in the State of destination and should also retain a copy in his own file until other disposal is authorized by the Director of the Animal Disease Eradication Division.

§ 83.10 *Designation of inspection station.* (a) The following places along the eastern boundaries of Arkansas and Louisiana, the Louisiana-Mississippi State line and the Arkansas-Tennessee State line, are designated as inspection stations under this part for livestock moving by road vehicle or on foot, interstate, from Louisiana, Texas, or Arkansas into or through any part of the eradication area:

(1) The premises of Flowers Pierini in Chicot County, Arkansas, on the south side of U. S. Highway 82, approximately ¼ mile west of the Mississippi River Bridge at Greenville.

(2) The premises of Claude H. Brady in Delta, Madison Parish, Louisiana, fronting on U. S. Highway 80 and Railroad Avenue.

(3) The premises of Lum Brothers Stockyards in front of Lum Brothers Auction Barn on U. S. Highway 65 ¼, approximately five miles west of Vidalia, Concordia Parish, Louisiana.

(4) The premises of Frank W. Bennett in Norwood, East Feliciana Parish, Louisiana, on the east side of State Highway 19, approximately two miles south of the Louisiana-Mississippi State line.

(5) The premises of David A. DeLee in East Feliciana Parish, Louisiana, on the east side of State Highway 67 on a high mound approximately ¾ mile south of the Louisiana-Mississippi State line.

(6) The premises of Louis Klotzbach in Tangipahoa Parish, Louisiana, on the east side of U. S. Highway 51, approximately 95 feet south of the Louisiana-Mississippi State line, 30 feet from the establishment known as Coulon's Package Liquor Store.

(7) The premises of Jasper J. Warner, Sr., in Warnerton, Washington Parish, Louisiana, on the east side of State Highway 25, approximately ¾ mile south of the Louisiana-Mississippi State line.

(8) The premises of Dr. John L. Pope near Bogalusa in Washington Parish, Louisiana, on the south side of State Highway 10, beginning approximately 180 feet west from the west end of the Pearl River Bridge.

(9) The premises of G. H. Williams and Jerry Stewart in the Eighth Ward of St. Tammany Parish, in Pearl River, Louisiana, on U. S. Highway 11, approximately 80 feet south of the establishment known as Stewart's Bar.

(10) The premises of Mrs. Lois Daws Bollen in St. Tammany Parish, Louisiana, on the southeast side of U. S. Highway 90, near the Junction of U. S. Highways 90 and 190.

(11) The premises of the Gulf, Mobile, and Ohio Railroad Company in Angie, Washington Parish, Louisiana, bordering State Highway 21 on the west and the Gulf, Mobile and Northern Railroad on the east, approximately 150 feet south of a cotton gin.

(12) The premises of C. B. Hamilton in West Feliciana Parish, Louisiana, on the east side of U. S. Highway 61, approximately ¼ mile south of the Louisiana-Mississippi State line.

(13) The premises of the South Memphis Stockyards, 465 West Trigg Avenue,

Memphis, Tennessee, located approximately 1 mile south of the U. S. Route 64 Arkansas-Tennessee Bridge.

(b) The following place on the Florida quarantine line in Florida is designated as an inspection station under this part for livestock moving by road vehicle or on foot, interstate, from the southern part of Florida into or through any part of the eradication area: The premises of Mills Auction Market in Ocala, Florida. Any premises in Florida located south of the Florida quarantine line may, for the purpose of the regulations in this part, be considered an appropriate inspection station for inspection, treatment, and certification of livestock to be moved interstate from the southern part of Florida in accordance with the regulations, if the shipper makes arrangements with a Federal inspector for such procedure; and such inspectors may perform all functions necessary for such inspection, treatment, and certification.

§ 83.11 *Permitted precautionary spray; approved treatments.* (a) The Department has authorized the use of the following as a permitted precautionary spray under this part:

Bayer 21/199 (CO-RAL) used as a suspension spray at a concentration of 0.25 percent. This spray shall be used for purposes of this part in strict accordance with directions to carry out the purposes of this part, given by the Federal inspectors under whose supervision the spray is applied.

(b) The Department has authorized the application of "EQ 335" or "Smear 62" as an approved treatment for wounds of livestock under this part.

(c) Other sprays or pesticides or wound treatments may be permitted in specific cases by the Director when it is demonstrated to his satisfaction that they are effective in preventing the dissemination of screwworms.

§ 83.12 *Exceptions.* (a) When the Director finds that any auction market is located within 8 air miles of any inspection station designated in § 83.10 and has adequate facilities for inspection, treatment, and certification of livestock in accordance with the requirements of this Part, and the operator of such stockyard has entered into an agreement with the State in which the stockyard is located, for its operation in accordance with specified safeguards, acceptable to the Director, to prevent the spread of screwworms, the Director shall issue administrative instructions designating such market as an inspection facility, auxiliary to such inspection station, for purposes of this paragraph. Thereafter, livestock arriving at such inspection station under § 83.6 may, if the shipper so desires, be moved to such market on the day of, or preceding the day of, the sale at such market, under permit issued by the inspector at such station, for inspection, treatment, and certification under § 83.6 in lieu of inspection, treatment, and certification at such station.

(b) The requirements of §§ 83.6 and 83.7 for treatment with a permitted precautionary spray shall not apply to equines which are shown to be primarily

used for exhibition purposes and the appearance of which clearly indicates daily grooming, but the inspection and certification requirements of said sections shall apply to such animals except as provided in this paragraph. If on inspection such animals are found to have any wounds, the wounds shall be given an approved treatment under the supervision of the inspector. Certificates issued under Section 83.9 for such animals shall indicate that they have not been given the spray treatment but that any wounds have been given an approved treatment.

(c) The Director, in specific cases in which, in his opinion, no risk of spread

of screwworms exists, may authorize the movement of livestock not known to be affected with, or to carry the contagion of, screwworms, and vehicles, boats, and aircraft, otherwise prohibited by this part, under such conditions as he may require to carry out the purposes of this part.

§ 83.12a *Administrative instructions designating auxiliary inspection facilities.* In accordance with § 83.12, the Director has found that the auction markets listed below are within 8 air miles, respectively, of the inspection stations listed below and otherwise qualify for designation as auxiliary inspection facilities.

Inspection stations

1. The premises of Flowers Pierini in Chicot County, Ark., on the south side of U. S. Highway 82, approximately 3/4 mile west of the Mississippi River Bridge at Greenville.
2. The premises of Claude H. Brady in Delta, Madison Parish, La., fronting on U. S. Highway 80 and Railroad Avenue.
3. The premises of Lum Brothers stockyards in front of Lum Brothers Auction Barn on U. S. Highway 65-84, approximately five miles west of Vidalia, Concordia Parish, La.

Auction markets

1. Tri-States Stockyard, Greenville, Miss.
2. Lum Brothers Auction Market, Vicksburg, Miss.
3. Lum Brothers Auction Market, Natchez, Miss.

Therefore, each such auction market is designated as an inspection facility, auxiliary to its respective inspection station for the purposes of § 83.12.

§ 83.13 *Responsibility for handling livestock.* All unloading, reloading, and other handling of livestock at the inspection stations or other places for purposes of inspection, treatment, and certification under this part shall be the responsibility of the carrier transporting the animals to such place.

§ 83.14 *Applicability of general provisions in Part 71 of this chapter.* The provisions in Part 71 of this chapter shall be applicable with respect to the movement of livestock and cleaning and treatment of means of conveyance, facilities and premises to prevent the dissemination of screwworms only insofar as they are not in conflict with the provisions in this part.

Sec.

- 91.16 Feed and water.
- 91.17 Attendants.
- 91.18 Lighting.
- 91.19 Alleyways.
- 91.20 Stanchions.
- 91.21 Beams.
- 91.22 Roofs.
- 91.23 Flooring.
- 91.24 Footlocks.
- 91.25 Outside planking.
- 91.26 Breast, front, and foot boards.
- 91.27 Rump boards.
- 91.28 Division boards.
- 91.29 Troughs and hayracks.
- 91.30 Defective fittings.
- 91.31 Cleaning and disinfecting vessels, fittings, utensils, and equipment.

AUTHORITY: §§ 91.1 to 91.31 issued under secs. 4, 5, 23 Stat. 32, as amended, sec. 1, 32 Stat. 791, as amended, sec. 10, 26 Stat. 417, sec. 1, 28 Stat. 833, as amended; 21 U. S. C. 105, 112, 113, 120, 121; 48 U. S. C. 468a. Interpret or apply 34 Stat. 1263, 41 Stat. 241; 21 U. S. C. 80-82, 86, 96.

§ 91.1 *Definitions.* Whenever in the regulations in this part the following words, names, or terms are used they shall be construed as follows:

(a) *Department.* The United States Department of Agriculture.

(b) *Division.* The Animal Inspection and Quarantine Division of the Department.

(c) *Director of Division.* Director of the Division.

(d) *Inspector.* An inspector of the Division.

(e) *Animals.* Horses, cattle, sheep, swine, and goats.

(f) *Horses.* Horses, mules, and asses.

(g) *Roofing paper.* Any saturated roofing paper of a grade known to the trade as 30-pound roofing paper.

(h) *Stanchion.* Post or other fixed upright support.

(i) *Official vaccinate.* A bovine animal vaccinated against brucellosis from four through eight months of age, or a bovine animal of a beef breed in a range or semi-range area, vaccinated against

brucellosis from four to twelve months of age, under the supervision of a Federal or State veterinary official with a vaccine approved by the Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture; permanently identified as such a vaccinee; and reported at the time of vaccination to the appropriate State and Federal Agency cooperating in the eradication of brucellosis.

(j) *Accredited veterinarian.* A veterinarian approved by the Department to perform the function involved.

§ 91.2 *Animals to be handled in compliance with regulations.* No animals covered by the regulations in this part shall be exported to a foreign country except in compliance with the provisions thereof.

§ 91.3 *Ports of export.* (a) The following ports are hereby designated as ports of export. All animals shall be exported through said ports or through ports designated under paragraph (b) of this section.

(1) *Air and ocean ports.* Portland, Maine; Boston, Massachusetts; New York, New York; Philadelphia, Pennsylvania; Baltimore, Maryland; Newport News and Norfolk, Virginia; Miami, Jacksonville, Port Everglades, Tampa and St. Petersburg, Florida; Mobile, Alabama; New Orleans, Louisiana; Galveston and Houston, Texas; San Diego, Los Angeles and San Francisco, California; Portland, Oregon; Seattle and Tacoma, Washington.

(2) *Mexican border ports.* Brownsville, Hidalgo, Rio Grande, Roma, Laredo, Eagle Pass, Del Rio and El Paso, Texas; Douglas, Naco and Nogales, Arizona; and Calexico and San Ysidro, California.

(3) *Canadian border ports.* All ports along the United States-Canada land border at which the Health of Animals Division of the Canadian Department of Agriculture maintains veterinary inspection service.

(b) In special cases other ports may be designated by the Director of Division with the concurrence of the Bureau of Customs.

§ 91.4 *Inspection, testing and certification at origin.* (a) All animals intended for exportation to a foreign country shall be accompanied from the State of origin to the port of export by a certificate of health issued by a Department veterinarian, a State veterinarian, or an accredited veterinarian, certifying that the animals were inspected in the State of origin and found to be free from evidence of communicable disease and exposure thereto, and that they have been tested in the manner prescribed in paragraph (b) of this section, if they are of a class required by said paragraph to be so tested: *Provided, however,* That the Director of Division may waive such inspection and certification with respect to horses and may waive the tuberculin and brucellosis tests referred to in paragraph (b), when he finds such action may be taken without endangering the livestock export trade of the United States. Certificates accompanying animals to the port of export shall show proper identification of

Subchapter D—Exportation and Importation of Animals and Animal Products

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

- Sec.
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- 91.2 Animals to be handled in compliance with regulations.
- 91.3 Ports of export.
- 91.4 Inspection, testing and certification at origin.
- 91.5 Inspection and certification of the port of export.
- 91.6 Disinfection of cars and other conveyances.
- 91.7 Rest and inspection before embarkation.
- 91.8 Accommodations for humane treatment of animals on vessels.
- 91.9 Headropes and halters.
- 91.10 Space on vessels.
- 91.11 Crates and portable stalls.
- 91.12 Hatches.
- 91.13 Upper-deck fittings.
- 91.14 Protection from heat of boilers and engines.
- 91.15 Ventilation.

the animals in the shipment with respect to breed, sex, and age and, when applicable, shall also show registration name, registration number, tattoo markings, tag number, or other natural or acquired markings, and shall be endorsed by the veterinarian in charge of Animal Disease Eradication Division field activities of the Department in the State of origin of the animals, or by another Department veterinarian so authorized by the Director of Division.

(b) Diagnostic tests for dairy and breeding cattle: (1) *Tuberculin test.* Unless such test is waived under paragraph (a) of this section, all dairy and breeding cattle intended for exportation to a foreign country shall be accompanied from the State of origin to the port of export by a certificate, issued and endorsed as provided in said paragraph (a), certifying that each of the animals passed a negative test for tuberculosis applied by a Department veterinarian, a State veterinarian, or an accredited veterinarian, within thirty days prior to the date of movement from the State of origin: *Provided, however,* That calves born after said tuberculin test of the dam will not be required to be so tested or certified.

(2) *Brucellosis test.* Unless such test is waived under paragraph (a) of this section, all dairy and breeding cattle more than six months of age, except official vaccinates under thirty months of age, intended for exportation to a foreign country shall be accompanied from the State of origin to the port of export by a certificate, issued and endorsed as provided in said paragraph (a), certifying that each of the animals passed a negative test for brucellosis made in laboratory approved for the purpose by the Director of Division within thirty days prior to date of movement from the State of origin.

§ 91.5 *Inspection and certification at the port of export.* All animals offered for exportation to any foreign country shall be inspected by a Department veterinarian at the port of export, and if upon such inspection, and examination of the certificates required under § 91.4, said animals are found to be free from evidence of communicable disease and exposure thereto, the export certificate, issued by the said Department veterinarian to accompany the animals from the port of export, shall contain a statement to that effect: *Provided, however,* That inspection and certification at the port of export shall not be required in the case of animals offered for exportation to Mexico or to Canada through ports along the United States land borders designated in § 91.3, if the certificates required under § 91.4 were issued or endorsed by a Department veterinarian, specifically authorized by the Director of Division for the purpose, in compliance with procedures of inspection specified by the Division to guard against the dissemination of disease to such countries.

§ 91.6 *Disinfection of cars and other conveyances.* No animals intended for export to a foreign country shall be transported in cars or other conveyances which have been used in the transporta-

tion of livestock since they were last cleaned and disinfected: *Provided, however,* That express cars or other conveyances not regularly used for the transportation of livestock need not be so disinfected. If such animals are confined in crates or portable stalls, these either shall be new and previously unused or shall be cleaned and disinfected before receiving such export animals.

§ 91.7 *Rest and inspection before embarkation.* (a) No animals shall be loaded upon a vessel for exportation until they have been allowed at least 5 hours' actual rest in suitable quarters at the port of embarkation: *Provided, however,* That such period of rest will not be required if the animals were transported thereto in cars in which there was opportunity to rest and proper feed and water were provided, or when the animals are to be stowed in box stalls aboard ship.

(b) All animals shall remain at the port of export a sufficient length of time and under conditions to afford proper inspection during daylight. The place of detention for rest and inspection shall be subject to approval of the inspector. Movement of animals from the holding yards, pens, or stables to the transporting vessel, and their loading, stowing, and tying, shall be accomplished in a manner satisfactory to the inspector.

§ 91.8 *Accommodations for humane treatment of animals on vessels.* Owners or masters of vessels carrying animals from the United States to a foreign country shall provide for such animals feed and water, space, ventilation, fittings, and other facilities as set forth in this part: *Provided, however,* That shipments of animals to points in nearby countries involving not more than 72 hours in transit shall be subject only to such requirements as to space, ventilation, fittings, feed, and water supply as the Director of Division shall prescribe. Such owners or masters shall not accept for transportation any animal that in the judgment of the inspector is in an unfit condition to withstand the rigors of such transportation.

§ 91.9 *Headropes and halters.* Halters, ropes, or other suitable equipment satisfactory to the inspector shall be provided for the handling and tying of horses and cattle.

§ 91.10 *Space on vessels.* Except as specified in § 91.8, space on vessels for the various species of animals shall be as follows:

(a) *Horses.* Space for horses shall be not less than 6 feet 3 inches from roof or beams overhead to floor underfoot and shall be at least 8 feet in depth, except that upon approval of the inspector stalls 7 feet deep may be allowed for medium-sized horses. Single stalls shall be not less than 2½ feet wide. Not less than 20 square feet shall be allowed for each horse loose in pen, and for every large horse there shall be at least 27 square feet.

(1) Subject to the approval of the inspector as many as four horses, or as many as seven horses weighing not more than 500 pounds each, may be shipped in pens not less than 10 by 8 feet in size.

Mares in foal and stallions, however, shall be shipped only in separate stalls, which shall be not less than 8 feet deep by 3 feet wide and for mares due to foal en route shall be not less than 8 feet deep by 5 feet wide and readily accessible.

(2) Extra stalls suitably located shall be provided in each compartment or on decks where horses are carried so that adequate hospital space can be made available for any that become sick or disabled aboard ship. The number of such stalls shall be as follows: One for the first 4 to 10 horses shipped, another for any number in excess of 10 up to and including 25, and still another for each additional 25 horses or fraction thereof.

(b) *Cattle.* Space for cattle shall be not less than 8 feet in depth and 6 feet from roof or beams overhead to flooring underfoot, except that where floors are raised over pipes and similar obstructions a height of not less than 5 feet 6 inches may be permitted at the discretion of the inspector. No more than four cattle weighing over 850 pounds each shall be shipped in each pen, except at the ends of rows, where five may be allowed together. In such pens there shall be at least 20 square feet of space for each animal. When any such pen includes stanchions, sounding tubes, ventilators, and other obstructions, there shall be not less than 24 square feet of free space for each animal.

(1) Single stalls for cattle shall be not less than 8 feet in depth by 3 feet in width, and larger stalls shall be provided when required by the inspector for cows in advanced pregnancy and for large dairy or breeding cattle. Cows in advanced pregnancy and bulls shall be shipped only in separate stalls. For cows that are due to calve en route, the stalls or pens shall be not less than 5 by 8 feet in size and so located as to be easily accessible.

(2) Calves and yearlings may be stowed at the discretion of the inspector.

(c) *Sheep, goats, and swine.* Space for these animals shall be not less than 3 feet in height. For each animal the space provided shall be at least 1 foot greater in length and breadth than the animal itself, with a 50-percent increase for animals in advanced pregnancy. Double-deck pens shall not exceed 20 x 8 feet in size. Lambs, kids, and pigs may be stowed at the discretion of the inspector.

§ 91.11 *Crates and portable stalls.* Animals may be carried in crates or portable stalls which meet the space requirements of § 91.10 and are so constructed as to afford comfort and security. All crates and portable stalls shall be equipped for the feeding and watering of the animals carried therein, and when placed on exposed decks the roofs of same shall conform with the requirements of § 91.22. Crates and portable stalls shall be subject in all cases to the approval of the inspector at the port of embarkation.

§ 91.12 *Hatches.* (a) Hatches above animals shall be kept clear at all times, no feed for the animals or freight of any kind being placed thereon.

(b) Animals may be placed on hatches on exposed decks, but the pens or stalls

shall be lashed down securely to the satisfaction of the inspector.

(c) Animals may be placed on hatches on underdecks provided the height requirements of § 91.10 can be complied with, but sufficient space shall be left clear on such hatches for passageway across ship and for brow.

(d) On all hatches on which animals are carried and under which hay and feed are stowed, sufficient space shall be left clear for the proper removal and handling of such hay and feed. Such hatches shall be watertight.

§ 91.13 *Upper-deck fittings.* Animals may be carried on upper decks in space abutting the outside rails or bulwarks only if such rails or bulwarks are 3 feet or more in height from the deck and are of sufficient strength to hold the necessary fittings securely, or if the space available is sufficient to permit securing the required fittings to provide the necessary strength. When animals are carried on upper decks, bulkheads shall be erected at all unprotected ends of stalls.

§ 91.14 *Protection from heat of boilers and engines.* No animals shall be stowed along the alleyways by engine and boiler room unless the sides of said engine and boiler rooms are covered by a tongue-and-groove tight sheathing, making a 3-inch air space: *Provided, however,* That on ships powered with internal-combustion engines this sheathing will not be required.

§ 91.15 *Ventilation.* Each underdeck compartment on which animals are being transported shall be equipped with a system of ventilation either natural or mechanical that will furnish a complete change of air in the compartment every 5 minutes. When the latter method is employed, a sufficient number of portable blowers of approved type shall be carried to provide ventilation in case of breakdown. Natural ventilation may be procured through ventilators, hatches, doors, and portholes when approved by the inspector.

§ 91.16 *Feed and water.* For animals embarked for a voyage which on an average is of more than 20 hours' duration, there shall be provided to the satisfaction of the inspector sufficient amounts of suitable feed and fresh water, and proper accommodation shall be provided on board for distribution of the water and for stowage of the feed so that it shall not be unduly exposed to the weather at sea.

§ 91.17 *Attendants.* Each vessel on which livestock are embarked shall carry one man who is experienced in the handling of the particular species and a sufficient number of attendants to insure proper care of the animals.

§ 91.18 *Lighting.* All vessels carrying animals shall be equipped to provide adequate light at all times for the proper attending of all animals.

§ 91.19 *Alleyways.* Alleyways running fore and aft that are used for feeding, watering, and loading animals, including horses in box stalls, shall have a minimum width of 3 feet, but when horses are stowed in other than box

stalls the minimum width of alleyways shall be 4 feet: *Provided, however,* That for a distance not to exceed 12 feet at the end of alleyways in bow and stern of ship, and where obstructions less than 3 feet in length occur, the width may be reduced to a minimum of 18 inches. A sufficient number of athwartship alleyways at least 18 inches in width in the clear shall be provided to afford ready access to scuppers and to ends of alleyways running fore and aft except that on exposed decks where scuppers and the ends of force and aft alleyways are readily accessible athwartship alleyways may be dispensed with.

§ 91.20 *Stanchions.* Stanchions shall be provided for all stalls and pens for horses, cattle, sheep, goats, and swine. Metal stanchions will be acceptable if equal in strength and security as provided in this section for wooden stanchions.

(a) *Horses and cattle.* Rail stanchions shall be of not less than 4" x 6" lumber set 5 feet apart on centers secured to ship's rail or bulwark with $\frac{5}{8}$ " hook bolts or collars, and with heels properly braced to sheer streak, or waterway. Inboard stanchions of the same dimensions shall be set in line with the rail stanchions and properly braced. Stanchions shall be securely fastened to roof beams by means of cleats 2" x 4" x 8" in size butted against both sides of stanchions and also by means of angle braces not less than 1" x 6" x 24" in size properly placed and nailed to secure each stanchion to its beam. Stanchions affixed to bulwarks shall be chucked down with pieces not less than 2" x 3" x 8" lumber. On open-rail ships, spaces between the rails shall be blocked out to permit the affixing of outside planking. If supplementary stanchions are required for rump boards, these shall be not less than 3" x 4" in size properly cleated to beam and deck. Stanchions on underlocks shall be secured by appropriate bracing, cleating, and wedging and set not more than 7 feet 6 inches apart on centers, except that this spacing may be increased to 10 feet when 3" x 10" breast boards are used.

(b) *Sheep, goats, and swine.* Stanchions for single- or double-tier pens for these animals shall be of not less than 3" x 4" lumber set at no greater distance than 5 feet on centers and secured in the same manner as prescribed in this regulation for horses and cattle.

§ 91.21 *Beams—(a) Horses and cattle.* Beams shall be of not less than 3" x 6" lumber. Those at the ends of fittings and each alternate one shall extend across the ship's beam or abut against permanent deck fittings. The intermediate short beams shall not extend beyond the inner edge of the roof.

(b) *Sheep, goats, and swine.* When two tiers of pens are constructed on upper or exposed decks, beams shall be provided as specified in this section for horses and cattle. Beams of not less than 3" x 4" lumber bolted to stanchions with $\frac{5}{8}$ " bolts shall be provided to support the roof of single-tier pens on exposed decks and the floor of double-tier pens on all decks. Beams sup-

porting upper-tier pens shall be braced in centers by uprights of not less than 2" x 4" lumber extending from deck to under side of beams.

§ 91.22 *Roofs.* All pens for carrying animals on exposed decks shall be roofed with not less than 1½" lumber, tongued and grooved or square-edged, extending from outside planking to 2 feet beyond the line of breast boards: *Provided, however,* That if square-edged lumber is used, it shall be properly covered with roofing paper.

§ 91.23 *Flooring—(a) Horses and cattle.* Flooring shall be laid athwartship and secured by placing ends beneath the under side of foot and rump boards or under a 2" x 2" strip nailed along these boards. Floors may be either of two types, flush or raised. The flush type shall be of not less than 1" lumber laid flat on the deck. The raised type shall be of not less than 2" lumber nailed to scantlings of at least 2" x 3" dimensions laid 2 feet 6 inches apart. If desired, flooring may be laid in portable sections. Flooring will not be required on ships with wooden decks provided footlocks are secured to the deck. Cement or composite material diagonally scored one-half inch deep may be used on iron decks instead of wooden flooring if the footlocks are molded in the same and bolted to the deck.

(b) *Sheep, goats, and swine.* Flooring for these animals shall be the same as prescribed in this section for horses and cattle except that raised flooring need not be greater than 1 inch in thickness.

§ 91.24 *Footlocks—(a) Horses and cattle.* There shall be four footlocks of 1" x 4" lumber laid fore and aft with flat side down, and so placed as to provide in-between spaces of 12, 14, 26, and 14 inches, beginning at inside of footboard. They shall be well secured with nails of a length that will permit 1-inch clinch in 1-inch flooring and 2-inch penetration in 2-inch flooring.

(b) *Sheep, goats, and swine.* Footlocks for these animals shall be of not less than 1" x 2" lumber, four to each pen, equally distributed and laid in the manner prescribed in paragraph (a) of this section for horses and cattle.

§ 91.25 *Outside planking.* All pens for carrying animals on exposed decks shall be provided with outside planking of not less than 1½" tongue-and-groove lumber laid fore and aft of ship driven tightly together and securely nailed to backs of stanchions in a manner to cover all open spaces properly: *Provided, however,* That during warm weather the top-course planking may be left off in order to allow a free circulation of air.

§ 91.26 *Breast, front, and foot boards—(a) Horses and cattle.* Except as provided in § 91.8, all stalls and pens shall be equipped with breast boards of no less than 2" x 10" dressed lumber securely nailed to the stanchions. Where butting occurs the joints are to be on the stanchions and shall be covered with metal plates 3" square or 5" in diameter and not less than ¼" in thickness. A $\frac{5}{8}$ " bolt shall then be passed

through the plate, joint, and stanchion and securely fastened with a nut. All breast boards shall have 1" holes bored through them at proper distances for tying animals. Breast boards shall be provided with removable sections in order that animals may be loaded into and removed from stalls and pens. All stalls and pens shall be provided with foot boards of not less than 2" x 10" lumber securely nailed or bolted to stanchions.

(b) *Sheep, goats, and swine.* Front boards shall be of not less than 1" x 6" pieces appropriately spaced and extending to the proper height for these species of animals. Provision shall be made for removing a section of front boards to allow entry of animals into pens and removal therefrom.

§ 91.27 *Rump boards*—(a) *Horses and cattle.* Rump boards shall form a solid wall at least 4 feet 6 inches high and shall be of lumber not less than 1½" thick if tongued and grooved or 2" if square-edged. Where deck is clear of obstructions rump boards may be set on inside of rail stanchions. When this is not possible, sections so affected may be brought forward to clear such obstructions and shall be fastened to stanchions provided for this purpose. In lower decks, where ship's construction so justifies, rump boards may be affixed to 2" x 6" wooden pieces set the same as prescribed for stanchions. Rump boards may be formed by filling spaces between cargo battens. Rump boards in stalls or pens built alongside hatches need be carried down only to line of coaming.

(b) *Sheep, goats, and swine.* Pens for these animals on all exposed decks shall be provided with rump boards of the specified size built to a height of 2 feet 6 inches.

§ 91.28 *Division boards*—(a) *Horses and cattle.* Division boards shall be used to separate all stalls and pens and to close the sides of same at the ends of rows. They shall be used in sets of four boards of 2" x 10" dressed lumber separated by 3-inch spacers, shall extend from the rump boards to the inboard stanchions, and shall be fitted into appropriate channels or slots at both ends in a manner that will permit their ready removal.

(b) *Sheep, goats, and swine.* Division boards and those forming ends of pens shall be the same as prescribed for front boards for these animals in § 91.26.

§ 91.29 *Troughs and hayracks.* All stalls and pens shall be equipped with proper troughs for feeding animals as provided in this section. Racks or nets furnished for feeding hay shall be of a type acceptable to the inspector.

(a) *Horses and cattle.* Troughs may be of metal or wood either removable or fixed. The space between the first footlock and the footboard may be utilized for feeding cattle provided a 2" x 4" piece is affixed along the top surface of said footlock so that it, together with the footboard and the battens, will form an enclosure. When wooden troughs are used an adequate supply of buckets shall be provided for the proper watering of the animals.

(b) *Sheep, goats, and swine.* Pens for these animals shall have feed troughs not less than 8 inches wide and proper receptacles for watering. Pens for sheep and goats should also have ample hay racks suitable for these animals.

§ 91.30 *Defective fittings.* If previously used fittings are employed, any portion thereof found by the inspector to be worn, decayed, unsound, or otherwise defective shall be replaced.

§ 91.31 *Cleaning and disinfecting vessels, fittings, utensils, and equipment.* All parts of vessels, fittings, utensils, and equipment used in the loading, stowing or other handling of animals in compliance with the provisions of this part shall first be thoroughly cleaned and then disinfected with a Division approved disinfectant under the supervision of an inspector before being again used for or in connection with the transportation of animals from United States ports. Such disinfection of halters, ropes, and similar equipment used in handling and tying the animals shall be by immersion in the approved disinfectant.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS

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AUTHORITY: §§ 92.1 to 92.40 issued under secs. 6, 7, 8, 10, 26 Stat. 416, as amended, 417, sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689, as amended; 19 U. S. C. 1306, 21 U. S. C. 102-105, 111.

GENERAL PROVISIONS

§ 92.1 *Definitions.* Whenever in this part the following terms are used unless the context otherwise requires, they shall be construed, respectively, to mean:

(a) *Department.* The United States Department of Agriculture.

(b) *Division.* The Animal Inspection and Quarantine Division of the Department.

(c) *Director of Division.* Director of the Division.

(d) *Inspector.* An inspector of the Division.

(e) *Animals.* Cattle, sheep, goats, other ruminants, swine, horses, asses, mules, zebras, dogs, and poultry.

(f) *Cattle.* Animals of the bovine species.

(g) *Ruminants.* All animals which chew the cud, such as cattle, buffaloes, sheep, goats, deer, antelopes, camels, llamas and giraffes.

(h) *Swine.* The domestic hog and all varieties of wild hogs.

(i) *Horses.* Horses, asses, mules, and zebras.

(j) *Poultry.* Chickens, ducks, geese, swans, turkeys, pigeons, doves, pheasants, grouse, partridges, quail, guinea fowl, and pea fowl, of all ages, including eggs for hatching.

(k) *Accredited areas.* Areas in Canada in which the percentage of cattle infected with tuberculosis is officially declared by the Canadian Government to be less than one-half of 1 percent.

(l) *Restricted areas.* Areas in Canada that are in process of becoming accredited as defined in paragraph (k) of this section.

(m) *Recognized slaughtering center.* Any point where slaughtering operations are regularly carried on and where Federal, State, or local inspection approved by the Division, is maintained.

(n) *Immediate slaughter.* Consignment from the port of entry to some recognized slaughtering center and slaughter thereat within 2 weeks from the date of entry.

(o) *Communicable disease.* Any contagious, infectious, or communicable disease of domestic livestock, poultry or other animals.

(p) *Fever tick.* *Boophilus annulatus*, including, but not limited to, the varieties *Americana* and *Australis*.

(q) *Permitted dip.* A dip permitted by the Division to be used in the official dipping of cattle and horses for fever ticks and for dipping cattle and sheep for scabies.

(r) *Brucellosis-certified areas.* Areas in Canada in which the percentage of cattle affected with brucellosis has been officially determined by the Canadian Government not to exceed one percent and the percentage of herds in which brucellosis is present has been similarly determined not to exceed five percent.

(s) *Western provinces of Canada.* Manitoba, Saskatchewan, Alberta and British Columbia.

§ 92.2 *General prohibition.* No animal or product subject to the provisions of this part shall be imported or brought into the United States except in accordance with the provisions of this part and Part 94 of this subchapter; nor shall any such animal or product be handled or moved after physical entry into the United States and before final release from quarantine or any other form of governmental detention except in compliance with such regulations: *Provided, however,* That the provisions of this section, §§ 92.3 through 92.5, 92.7 through 92.9, 92.11 through 92.13, 92.15, and 92.16 shall not apply to importations of poultry into the United States Virgin Islands.

§ 92.3 *Ports designated for the importation of animals—(a) Ocean ports.* The following ports are hereby designated as quarantine stations and all animals shall be entered through said stations, except as provided in paragraphs (b), (c), and (d) of this section, viz: Boston, Massachusetts; New York, New York; Baltimore, Maryland; Jacksonville, Miami, and Tampa, Florida; San Juan, Puerto Rico; New Orleans, Louisiana; Galveston, Texas; San Diego, Los Angeles, and San Francisco, California; Portland, Oregon; Tacoma and Seattle, Washington; and Honolulu, Hawaii.

(b) *Canadian border ports.* The following ports in addition to those specified in paragraph (a) of this section are designated as quarantine stations for the entry of animals from Canada: Eastport, Calais, Vanceboro, Houlton, Monticello, Bridgewater, Fort Fairfield, Limestone, Van Buren, Madawaska, Fort Kent, Jackman and Holey, Maine; Beecher Falls (Canaan), Island Pond, Derby Line, North Troy, Newport, Richford, St. Albans, Highgate Springs, and Alburg, Vermont; Rouses Point, Moores Junction, Chateaugay, Malone, Fort Covington, Hogansburg, Roosevelttown, Waddington, Ogdensburg, Morristown, Alexandria Bay, Charlotte, Niagara Falls, and Buffalo, New York; Detroit, Port Huron, and Sault Ste. Marie, Michigan; Noyes, Minnesota; Pembina and Portal, North Dakota; Sweetgrass, Montana; Eastport and Porthill, Idaho; Spokane, Laurier, Oroville, Nighthawk, Sumas, Blaine, and Lynden, Washington; and Juneau and Skagway, Alaska.

(c) *Mexican border ports.* The following ports in addition to those specified in paragraph (a) of this section are designated as quarantine stations for the entry of animals from Mexico: Brownsville, Hidalgo, Rio Grande City, Roma, Laredo, Eagle Pass, Del Rio, Presidio, and El Paso, Texas; Douglas, Naco, and Nogales, Arizona; and Calexico and San Ysidro, California.

(d) *Special ports.* Charlotte Amalie, St. Thomas, and Christiansted, St. Croix, in the United States Virgin Islands, are hereby designated as quarantine stations for the entry of ruminants and swine from the British Virgin Islands into the United States Virgin Islands for immediate slaughter.

(e) *Designation of other ports.* The Secretary of the Treasury has approved the designation as quarantine stations of the ports specified in this section. In special cases other ports may be designated as quarantine stations under this section by the Director of Division with the concurrence of the Secretary of the Treasury.

§ 92.4 *Import permits for ruminants, swine, and poultry and for animal semen—(a) Ruminants, swine, and poultry.* For ruminants, swine, and poultry intended for importation from any part of the world except Canada and except as provided in §§ 92.27 and 92.31, the importer shall first obtain from the Division a permit in two sections. One section will be for presentation to the American Consul in the district which includes the port of shipment and the other for presentation to the collector of customs at the port of entry specified therein. The animals will be received at the specified port on the date prescribed for their arrival or at any time during 3 weeks immediately following, after which time the permit shall be void. Animals will not be eligible for entry if shipped from any foreign port other than designated in the permit.

(b) *Animal semen.* (1) No animal semen may be imported from any part of the world unless the importer first obtains a permit from the Division. However, the Director of Division, when he finds that such action may be taken without endangering the livestock industry of the United States, may authorize the importation of animal semen from Canada without such permit. No permit will be issued for the importation of semen derived from domestic ruminants or swine in any country where foot-and-mouth disease or rinderpest has been determined to exist.

(2) The permit will be in two sections, one for presentation to the American Consul in the district which includes the port of shipment and the other for presentation to the collector of customs at the port of entry specified therein. The semen will be received at the specified port on the date prescribed for its arrival or at any time during three weeks immediately following, after which time the permit shall be void.

(c) *Wild ruminants and wild swine from countries where foot-and-mouth disease or rinderpest exists.* (1) Wild ruminants and wild swine originating in the countries designated in Part 94 of this subchapter as countries in which foot-and-mouth disease or rinderpest exists may be carriers of such diseases even though the animals do not show clinical evidence of the diseases. In view of these circumstances and in order to prevent the introduction and dissemination of foot-and-mouth disease or rinderpest and protect the livestock of the United States, permits for the im-

portation of wild ruminants, such as, but not limited to, giraffes, deer and antelopes, and of wild swine, will be issued only if such animals are intended for exhibition purposes in a zoological park previously approved by the Director of Division in accordance with the standards specified in subparagraph (2) of this paragraph and if the operator of such approved zoological park and the importer, if such operator and importer are different parties, have entered into the agreement set forth in subparagraph (3) of this paragraph with the Division for the maintenance and handling of such wild ruminants and wild swine in the manner specified in the agreement to prevent the introduction and dissemination of communicable diseases. For purposes of this paragraph "zoological park" means a zoo, park or other place maintained for the exhibition of live animals for recreational or educational purposes. The New York port of entry is the only port at which facilities are available which are adequate for the quarantining of wild ruminants and wild swine. Accordingly, permits issued for the importation of such wild animals will require that the animals be imported through the port of New York and quarantined at that port. The Director of Division may cancel such a permit when he finds that any provision of this section or any other provision of the regulations has not been or is not being complied with.

(2) Approval of a zoological park for the receipt and maintenance of imported animals as described in this paragraph, shall be on the basis of an inspection, by an authorized representative of the Department, of the physical facilities of the establishment and its methods of operation. Standards for acceptable physical facilities shall include satisfactory pens, cages or enclosures in which the animals can be maintained so as not to be in contact with the general public and free from contact with domestic livestock; natural or established drainage from the zoological park which will avoid contamination of land areas where domestic livestock are kept or with which domestic livestock may otherwise come in contact; provision for the disposition of manure, other wastes, and dead ruminants and swine within the zoological park; and other reasonable facilities considered necessary to prevent the dissemination of diseases from the zoological park. The operator of the zoological park shall have available the services of a full-time or part-time veterinarian, or a veterinarian on a retainer basis, who shall make periodic examinations of all animals maintained at the zoological park for evidence of disease; who shall make a post-mortem examination of each animal that dies; and who shall make a prompt report of suspected cases of contagious or communicable diseases to appropriate state or federal livestock sanitary officials.

(3) Prior to the issuance of an import permit under this section, the operator of the approved zoological park to which the animals are to be consigned, and the importer of the animals, if such operator and importer are different parties, shall execute an agreement covering each

animal or group of animals for which the import permit is requested. The agreement shall be in the following form:

AGREEMENT FOR THE IMPORTATION, QUARANTINE AND EXHIBITION OF CERTAIN WILD RUMINANTS AND WILD SWINE

-----, operator(s) of the zoological park known as ----- located at ----- (Name)

-----, and ----- hereby (City and state) (Importer)

request a permit for the importation of ----- for exhibition (Number and kinds of animals)

purposes at the said zoological park, said animals originating in a country where foot-and-mouth disease or rinderpest exists and being subject to restrictions under regulations contained in Part 92, Title 9, Code of Federal Regulations.

In making this request, it is understood and agreed that:

1. The animals for which an import permit is requested will be held in isolation at a port of embarkation in the country of origin, approved by the Director of Division as a port having facilities which are adequate for maintaining wild animals in isolation from all other animals and having veterinary supervision by officials of the country of origin of the animals. Such animals will be held in such isolation for not less than 60 days under the supervision of the veterinary service of that country to determine whether the animals show any clinical evidence of foot-and-mouth disease, rinderpest, or other communicable disease and to assure that the animals will not have been exposed to such a disease within the 60 days next before their exportation from that country.

2. Shipment will be made direct from such port of embarkation to the port of New York as the port of entry in this country. If shipment is made by ocean vessel the animals will not be unloaded in any foreign port en route. If shipment is made by air, the animals will not be unloaded at any port or other place of landing except at a port approved by the Director of Division as a port not located in a country where rinderpest or foot-and-mouth disease exists or as a port in such a country having facilities and inspection adequate for maintaining wild animals in isolation from all other animals.

3. No ruminants or swine will be aboard the transporting vehicle, vessel or aircraft except those for which an import permit has been issued.

4. The animals will be quarantined for not less than 30 days in the Department's Animal Quarantine Station in Clifton, New Jersey.

5. Upon release from quarantine the animals will be delivered to the zoological park named in this agreement to become the property of the park and they will not be sold, exchanged or removed from the premises without the prior consent of the Animal Inspection and Quarantine Division.

(Signature of importer)

Subscribed and sworn to before me this ----- day of -----, 19-----

(Title or designation)

(Name of zoological park)

By -----

(Signature of officer of zoological park)

(Title of officer)

Subscribed and sworn to before me this ----- day of -----, 19-----

(Title or designation)

§ 92.5 Certificate for ruminants, swine, and poultry—(a) Ruminants and swine. (1) All ruminants and swine of-

fered for importation from any part of the world except as provided in §§ 92.20, 92.21, 92.22, 92.28, 92.29, 92.35, 92.36, 92.37, and 92.40 shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin stating that such animals have been kept in said country at least 60 days immediately preceding the date of movement therefrom and that said country during such period has been entirely free from foot-and-mouth disease, rinderpest, contagious pleuropneumonia, and surra: *Provided, however,* That certificates for wild ruminants or wild swine for exhibition purposes need specify freedom from the said diseases of the district of origin only: *And provided further,* That in the case of sheep, goats, and swine the certificate, as far as it relates to contagious pleuropneumonia, may specify freedom from such disease of the district of origin only. For domestic swine the certificate shall also show that for 60 days immediately preceding the date of movement from the premises of origin no hog cholera, swine plague, or erysipelas has existed on such premises or on adjoining premises.

(2) The certificate accompanying sheep and goats offered for importation from any part of the world, except as provided in §§ 92.21, 92.28, and 92.36, shall, in addition to the statements required by subparagraph (1) of this paragraph, state: (i) That the said salaried veterinary officer has inspected such sheep and goats on the premises of origin and found them free of evidence of the disease known as scrapie, and of any other communicable disease; (ii) that, as far as it has been possible to determine, such animals have not been exposed to any such disease during the preceding 60 days; (iii) that, as far as can be determined, the disease known as scrapie has not existed in any district in which such sheep or goats were located during the three years immediately prior to shipment to the United States; and (iv) that each of such animals is not the progeny of a sire or dam that has been affected with scrapie.

(3) If ruminants or swine are unaccompanied by the certificate as required by subparagraphs (1) and (2) of this paragraph, or if such animals are found upon inspection at the port of entry to be affected with a communicable disease or to have been exposed thereto, they shall be refused entry and shall be handled thereafter in accordance with the provisions of section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103), or quarantined, or otherwise disposed of as the Director of Division may direct.

(b) *Poultry.* All poultry, except eggs for hatching, offered for importation from any country of the world except as provided in §§ 92.26, 92.38, and 92.40, shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin stating that such poultry and their flock or flocks of origin were inspected on the premises of origin immediately before the date of movement from such country and that they were then found to be free of evidence of pul-

lorum disease (bacillary white diarrhea) and other communicable diseases; and that, as far as it has been possible to determine, they were not exposed to any such disease common to poultry during the 60 days immediately preceding the date of such movement. Certificates for such poultry 60 days of age or older shall also state that the poultry have been kept in the country from which they are offered for importation for at least 60 days immediately preceding the date of movement therefrom and that, as far as it has been possible to determine, no case of European fowl pest (fowl plague) or Newcastle disease (avian pneumoencephalitis) occurred in the locality or localities where the poultry were kept during such period. All eggs for hatching offered for importation from any part of the world except as provided in §§ 92.26 and 92.38 shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin stating that the flock or flocks of origin were found upon inspection to be free from evidence of pul- lorum disease (bacillary white diarrhea) and other communicable disease and that as far as it has been possible to determine such flock or flocks were not exposed to any such disease common to poultry during the preceding 60 days.

§ 92.6 Diagnostic tests—(a) Tuberculosis and brucellosis tests of cattle. Except as provided in §§ 92.20 and 92.35 (b) and (c) all cattle offered for importation from any part of the world, except for immediate slaughter, shall be accompanied by a satisfactory certificate of a salaried veterinary officer of the national government of the country of origin showing that the animals have been tested for tuberculosis and brucellosis with negative results within 30 days of the date of their exportation: *Provided,* That the brucellosis test will not be required for steers, spayed heifers, or any cattle less than 6 months old. The said certificate shall give the dates and places of testing, names of the consignor and consignee, and a description of the cattle, with breed, ages, and markings.

(b) *Tuberculosis and brucellosis tests of goats.* Except as provided in §§ 92.21 and 92.36 (b), all goats offered for importation, except for immediate slaughter, shall be accompanied by a satisfactory certificate of a salaried veterinary officer of the national government of the country of origin showing that the animals have been tested for tuberculosis and brucellosis with negative results within 30 days of the date of their exportation. The said certificate shall give the dates and places of testing, method of testing, names of consignor and consignee, and a description of the animals, including breed, ages, markings, and tattoo and eartag numbers.

(c) *Further tests during quarantine.* Animals that have been tested as prescribed in the paragraphs (a) and (b) of this section and that are subject to quarantine at the port of entry as provided in § 92.11, shall be retested during the last 10 days of the quarantine period under the supervision of a veterinary inspector, by one or more of the methods approved by the Director of Division.

§ 92.7 *Presentation of papers to collector of customs.* The certificates and affidavits required by the regulations in this part shall be presented by the importer to the collector of customs at the port of entry upon arrival of the animals at such port.

§ 92.8 *Inspection at the port of entry.* Inspection shall be made at the port of entry of all horses, ruminants, swine, and poultry offered for importation from any part of the world, except as provided in §§ 92.24, 92.25, 92.30, and 92.33. However, the Director of Division, when he finds that such action may be taken without endangering the poultry industry of the United States, may waive inspection at the port of entry or provide for inspection at some other point with respect to importations from Canada of eggs for hatching, newly hatched poultry, and poultry consigned for immediate slaughter. All animals found to be free from communicable disease and not to have been exposed thereto within 60 days prior to the offer for importation shall be admitted subject to the other provisions in this part. Animals found to be affected with a communicable disease or to have been exposed thereto within 60 days prior to the offer for importation shall be refused entry, except as provided in § 92.28 (c). Ruminants and swine refused entry shall be handled thereafter in accordance with the provisions of section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103), or quarantined or otherwise disposed of as the Director of Division may direct. Horses and poultry refused entry, unless exported within a time fixed in each case by the Director of Division, shall be disposed of as said Director may direct. Such portions of the transporting vessel, and of its cargo, as have been exposed to any such animals or their emanations shall be disinfected in such manner as may be considered necessary by the inspector in charge at the port of entry, before the cargo is allowed to land.

§ 92.9 *Articles accompanying animals.* No litter or manure, fodder or other aliment, nor any equipment such as boxes, buckets, ropes, chains, blankets, or other things used for or about animals governed by the regulations in this part, shall be landed from any conveyance except under such restrictions as the inspector in charge at the port of entry shall direct.

§ 92.10 *Movement from conveyances to quarantine station.* Platforms and chutes used for handling imported ruminants or swine shall be cleaned and disinfected under Division supervision after being so used. The said animals shall not be unnecessarily moved over any highways nor allowed to come in contact with other animals, but shall be transferred from the conveyance to the quarantine grounds in boats, cars, or vehicles approved by the inspector in charge at the port of entry. Such cars, boats, or vehicles shall be cleaned and disinfected under Division supervision immediately after such use, by the carrier moving the same. The railway cars so used shall be either cars reserved for this exclusive use or box cars not other-

wise employed in the transportation of animals or their fresh products. When movement of the aforesaid animals upon or across a public highway is unavoidable, it shall be under such careful supervision and restrictions as the inspector in charge at the port of entry and the local authorities may direct.

§ 92.11 *Periods of quarantine—(a) Cattle.* (1) Cattle imported from any part of the world except Canada, countries of Central America and the West Indies, and Mexico shall be quarantined for not less than 30 days, counting from the date of arrival at the port of entry.

(2) Cattle imported from Canada, countries of Central America and the West Indies, and Mexico shall be subject to the provisions of §§ 92.20, 92.28, 92.34, and 92.35, respectively.

(b) *Other ruminants and swine.* (1) Swine and ruminants other than cattle imported from any part of the world except Canada, countries of Central America and the West Indies, and Mexico shall be quarantined for not less than 15 days, counting from the date of arrival at the port of entry. During their quarantine, wild ruminants and wild swine shall be subject to such inspections, disinfection, blood tests, or other tests as may be required by the Director of Division to determine their freedom from disease and the infection of disease.

(2) Sheep and goats, and swine imported from Canada shall be subject to the provisions of §§ 92.21 and 92.22, respectively. Ruminants and swine imported from countries of Central America and the West Indies shall be subject to the provisions of §§ 92.28 and 92.29, respectively. Swine and ruminants other than cattle imported from Mexico shall be subject to the provisions of §§ 92.34, 92.36, and 92.37.

(c) *Poultry.* Poultry 60 days of age or older imported from any part of the world except Canada and except as provided in § 92.34 (b) shall be quarantined for not less than 15 days, counting from the date of arrival at the port of entry. During their quarantine, such poultry shall be subject to such inspections, disinfections, blood tests or other tests as may be required by the Director of Division to determine their freedom from disease or the infection of disease. Any other poultry may be quarantined at the port of entry for such period as the Director of Division may require.

§ 92.12 *Feed and attendants for animals in quarantine.* (a) Importers of animals subject to quarantine under the regulations in this part shall arrange for their care, feed, and handling from the time of unloading at the port of entry to the time of release from quarantine. At ports where facilities are not maintained by the Division, importers shall provide suitable facilities for the quarantine of such animals, subject in all cases to the approval of the inspector in charge at the port of entry. Each owner, or his agent, shall give satisfactory assurance to the inspector prior to the time of quarantine that such provision will be made. Owners shall keep clean, to the satisfaction of such inspector, the sheds and yards occupied by their animals.

If for any cause owners of animals refuse or neglect to arrange for their care, feed, and handling, the service may be furnished by the Division in the same manner as though the owner, or his agent, had made arrangements for such service as provided by paragraph (b) of this section, or the animals may be disposed of as the Director of Division may direct.

(b) At a port where quarantine facilities are maintained by the Division, the importer, or his agent, may arrange with the inspector in charge for care, feed, and handling of animals from the time they arrive at the quarantine station for the port until the time of release from quarantine. The importer, or his agent, must request such service in writing and agree to reimburse the Division or pay in advance for the cost thereof, as may be required, and waive all claim against the Division or any employee of the Division for damages which may arise from such service. The Director of Division may prescribe reasonable rates for the service provided under this paragraph.

(c) The charge for any service furnished under paragraphs (a) or (b) of this section shall be a lien on the animals. After the expiration of one-third of the quarantine period, if payment has not been made, the owners of the animals will be notified by the inspector that if said charges are not immediately paid, or satisfactory arrangements made for payment, the animals will be sold at public auction at the expiration of the period of quarantine to pay the expense of feed and care during that period. Notice of the sale will be published in a newspaper in the county where the quarantine station is located. The sale will be held after the expiration of the quarantine period, at such place as may be designated by the said inspector. The proceeds of the sale, after deducting the charges for care, feed, and handling of the animals and the expense of the sale, shall be held in a Special Deposit Account in the United States Treasury for 6 months from the date of sale. If not claimed by the owner within 6 months from the date of sale, the amount so held shall be transferred from the Special Deposit Account to the General Fund Account in the United States Treasury.

(d) Amounts collected from importers for service rendered and amounts realized for such purposes under paragraph (c) of this section shall be deposited so as to be available for defraying the expenses involved in this service.

§ 92.13 *Quarantine stations, visiting restricted; sales prohibited.* Visitors shall not be admitted to the quarantine enclosure during any time that animals are in quarantine except that an importer (or his accredited agent or veterinarian) may be admitted to the yards and buildings containing his quarantined animals at such intervals as may be deemed necessary, and under such conditions and restrictions as may be imposed, by the inspector in charge of the quarantine station. On the last day of the quarantine period, owners, officers or registry societies, and others having official business or whose services may be necessary in the removal of

the animals may be admitted upon written permission from the said inspector. No exhibition or sale shall be allowed within the quarantine grounds.

§ 92.14 Milk from quarantined animals. Milk or cream from animals quarantined under the provisions of this part shall not be used by any person other than those in charge of such animals, nor be fed to any animals other than those within the same enclosure, without permission of the inspector in charge of the quarantine station and subject to such restrictions as he may consider necessary in each instance. No milk or cream shall be removed from the quarantine premises except in compliance with all State and local regulations.

§ 92.15 Manure from quarantined animals. No manure shall be removed from the quarantine premises until the release of the animals producing same.

§ 92.16 Appearance of disease among animals in quarantine. If any contagious disease appears among animals during the quarantine period special precautions shall be taken to prevent spread of the infection to other animals in the quarantine station or to those outside the grounds. The affected animals shall be disposed of as the Director of Division may direct, depending upon the nature of the disease.

§ 92.17 Horses; accompanying forage and equipment. Horses offered for importation from any part of the world except Mexico, and countries of Central America and the West Indies and except as provided in § 92.24 shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin showing that the animals described in the certificate have been in the said country during the preceding 60 days, and that as far as it has been possible to ascertain no case of dourine, glanders, surra, or epizootic or ulcerative lymphangitis has occurred in the locality or localities where the horse or horses have been kept during such period. Horses arriving at a port of entry unaccompanied by the aforesaid certificate, if otherwise eligible for importation, may upon permission first secured from the Director of Division be landed subject to such quarantine and blood tests or other tests as he may direct. Even though accompanied by said certificate they may be so quarantined and tested when deemed necessary by the Director of Division. Upon inspecting horses at the port of entry and before permitting them to land, the inspector may require their disinfection and the disinfection of their accompanying equipment as a precautionary measure against the introduction of foot-and-mouth disease or any other disease dangerous to the livestock of the United States. When no disease is discoverable in an importation of horses, the hay, straw, or other forage accompanying them may remain on board the ship to be returned: *Provided*, That in the case of a vessel carrying cattle, sheep, other ruminants, or swine from the United States on the return voyage, such material shall be stored in the vessel in a place and manner approved by the said

inspector and shall not be used in the feeding or bedding of animals exported.

§ 92.18 Dogs for handling livestock. Collie, Shepherd, and other dogs imported from any part of the world except Canada, Mexico, and countries of Central America and the West Indies which are to be used in the handling of sheep or other livestock, shall be inspected and quarantined at the port of entry for a sufficient time to determine their freedom from the tapeworm, *Taenia coenurus*. If found to be infested with such tapeworm they shall be properly treated under the supervision of a veterinary inspector at the port of entry until they are free from the infestation.

CANADA¹

§ 92.19 Animals from Canada; declaration to accompany animals offered for importation. For all cattle, sheep, goats, swine, horses, and poultry offered for importation from Canada, there shall be presented to the collector of customs at the time of entry two copies of a statement signed by the owner or importer showing clearly the purpose for which said animals are to be imported.

§ 92.20 Cattle from Canada—(a) Health certificates; detention at port of entry. Cattle offered for importation from Canada shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that said cattle have been inspected and found to be free from any evidence of communicable disease and that, as far as can be determined, they have not been exposed to any such disease during the preceding 60 days. Any such cattle may be detained at the port of entry and there subjected to such tests as may be required by the Director of Division and the importer shall be responsible for the care, feeding, and handling of such cattle during the period of detention.

(b) Tuberculin-test certificates. Importations of cattle from Canada, for purposes other than immediate slaughter as provided in § 92.23, shall be in compliance with the following conditions and requirements:

(1) Cattle from Canadian-listed tuberculosis-free accredited herds shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be from such herds and that said herds have been tuberculin tested within 1 year of the date of importation. The date of such tuberculin test shall be shown on the certificate.

(2) Cattle from herds in accredited areas in Canada, other than accredited herds, shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be from herds in such areas and that the animals offered for entry have been tuberculin tested with negative results within 30 days preceding their offer for entry. However, cattle from herds in such areas—other than range herds—in which one or more

reactors to the tuberculin test have been disclosed shall not be imported until the said herds have reached full tuberculosis-free status under Canadian regulations.

(3) Cattle from herds in restricted areas in Canada—other than range cattle and cattle from accredited herds—shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing (i) that they have been tuberculin tested with negative results within 30 days preceding their offer for entry, (ii) that all cattle in the herd or herds from which the animals proceed have been tuberculin tested with negative results not more than 12 months nor less than 90 days before the date of the offer for entry, and (iii) that the animals presented for entry, excepting only the natural increase in the herd, were included in the herd or herds of origin at the time of said herd tests. However, cattle from herds in such areas—other than range herds—in which one or more reactors to the tuberculin test have been disclosed shall not be imported until the said herds have reached full tuberculosis-free status under Canadian regulations.

(4) Range cattle² shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be range cattle and that they have been tuberculin tested with negative results within 30 days preceding their offer for entry.

(5) No cattle other than range cattle or those from accredited herds shall be imported from areas in Canada that are neither restricted nor accredited under Canadian regulations, except for immediate slaughter as provided in § 92.23.

(c) Brucellosis test or vaccination certificates. Importations from Canada of cattle six months or older, except steers and all cattle for immediate slaughter, shall be in compliance with the following conditions and requirements:

(1) Cattle from herds designated as brucellosis-free listed herds by the Canadian Government or cattle from herds not known to be affected in brucellosis-certified areas in Canada, except as provided in subparagraph (2) or (4) of this paragraph, shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be from such herds and that the cattle offered for entry have been tested for brucellosis with negative results within 30 days preceding their offer for entry. If one or more reactors or suspects are disclosed in such a herd as a result of a brucellosis test at any time, cattle from such herd shall not be imported into the United States unless after such test the cattle offered for entry, and the herd, have been tested and such cattle are accompanied by a certificate in accordance with subparagraph (3) of this paragraph or the herd has reached full status as a brucellosis-free herd under Canadian regulations.

¹ Importations from Canada shall be subject to §§ 92.19 to 92.26, inclusive, in addition to other sections in this part which are in terms applicable to such importations.

² Cattle of the beef breeds raised under range conditions in the western provinces of Canada.

(2) Cattle of the beef breeds raised under range conditions in the western provinces of Canada, except as provided in subparagraph (4) of this paragraph, shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be such range cattle of the beef breeds and that they have been tested for brucellosis with negative results within 30 days preceding their offer for entry.

(3) All other cattle from Canada, except as provided in subparagraph (4) of this paragraph, shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing:

(i) That all cattle in the herd or herds from which the animals originate (except steers, other cattle under six months of age, and official vaccinates under 30 months of age), have been tested for brucellosis with negative results not more than three months preceding the offer for entry;

(ii) That the cattle offered for entry, except the natural increase, were included in the herd or herds of origin at the time of said herd tests; and

(iii) That the cattle offered for entry (except steers, and other cattle under six months of age and official vaccinates under 30 months of age at the time of their offer for entry), have been tested for brucellosis with negative results within 30 days preceding their offer for entry in addition to and at least 15 days after the herd test specified in subdivision (i) of this subparagraph.

(4) Bulls and female cattle under 30 months of age need not meet the requirements of subparagraph (1), (2), or (3) of this paragraph, provided they are accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that they were officially vaccinated against brucellosis as calves between the ages of four through eight months for dairy breeds or four months through the day they become eleven months for beef breeds and provided, except for cattle of the beef breeds raised under range conditions in the western provinces of Canada, such animals originate in a herd not known to contain any animals affected with brucellosis. The certificate accompanying such officially-vaccinated cattle shall comply with paragraph (d) of this section except that it shall show, in lieu of the date and place of testing, the date of vaccination and shall also show the age of the animal at the time of vaccination.

(d) *Certificates; information required.* The certificates prescribed in paragraphs (b) and (c) of this section shall give the dates and places of testing, names of the consignor and consignee, and descriptions of the cattle, including breed, ages, markings, and tattoo and eartag numbers.

§ 92.21 *Sheep and goats from Canada.* (a) Sheep and goats offered for importation from Canada shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government stating: (1) That such animals have been inspected on the premises

of origin and found free of evidence of the disease known as scrapie, and of any other communicable disease; (2) that, as far as it has been possible to determine, such animals have not been exposed to any such disease during the preceding 60 days; (3) that, as far as can be determined, the disease known as scrapie has not existed in any county or local municipality in which such sheep or goats were located during the three years immediately prior to shipment to the United States; and (4) that each of such animals is not the progeny of a sire or dam that has been affected with scrapie.

(b) If sheep or goats are unaccompanied by the certificate required by paragraph (a) of this section, or if they are found upon inspection at the port of entry to be affected with a communicable disease or to have been exposed thereto, they shall be refused entry and shall be handled thereafter in accordance with the provisions of section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103), or quarantined, or otherwise disposed of as the Director of Division may direct.

§ 92.22 *Swine from Canada—(a) For purposes other than immediate slaughter.* Swine offered for importation from Canada for purposes other than immediate slaughter shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that said swine have been inspected on the premises of origin immediately before the date of movement therefrom and found to be free of evidence of communicable disease and that, as far as it has been possible to determine, they were not exposed to any such disease during the preceding 60 days; in addition, the certificate shall show that no hog cholera or swine plague has existed on the premises of origin or on adjoining premises for such 60 days.

(b) *For immediate slaughter.* Swine for immediate slaughter may be imported from Canada without certification as prescribed in paragraph (a) of this section but shall be subject to the provisions of §§ 92.8, 92.19, and 92.23.

§ 92.23 *Animals from Canada for immediate slaughter.* Cattle and swine imported from Canada for immediate slaughter shall be consigned from the port of entry to some recognized slaughtering center and there slaughtered within two weeks from the date of entry, or upon special permission obtained from the Director of Division they may be re-consigned to other points and there slaughtered within the aforesaid period.

§ 92.24 *Horses from Canada.* (a) All horses from Canada shall be inspected as provided in § 92.8: *Provided, however,* That the Director of Division may waive inspection of such horses at the port of entry or provide for their inspection at some other point when he finds that such action may be taken without endangering the livestock industry of the United States.

(b) When so ordered by the Director of Division, horses from Canada shall be accompanied by a certificate issued or

endorsed by a salaried veterinarian of the Canadian government showing that said horses have been inspected on the premises of origin in Canada and found free from evidence of any contagious, infectious, or communicable disease and, as far as it has been possible to determine, they have not been exposed to any such disease common to animals of their kind, and that said horses have been mallein tested with negative results within 30 days preceding their offer for entry.

(c) Any horse from Canada may be detained at the port of entry and there subjected to such tests as may be required by the Director of Division to determine freedom from disease.

§ 92.25 *Special provisions—(a) In-bond shipments from Canada.* Cattle, sheep, goats, swine, horses, and poultry from Canada transported in bond through the United States for immediate export shall be inspected at the border port of entry and shall otherwise meet the requirements of this Part in the same manner as similar animals destined to points in the United States, except that the Director of Division may permit their inspection at some other point when he finds that such action may be taken without endangering the livestock or poultry of the United States.

(b) *Exhibition animals.* (1) Animals, including poultry, from the United States which have been exhibited at the Royal Agricultural Winter Fair at Toronto or other publicly recognized exposition in Canada and have not been in that country more than 30 days are eligible for return to the United States within 10 days from the close of such fair or exposition without Canadian health or test certificates, if they are accompanied by copies of the health certificates properly issued and endorsed in accordance with the export regulations in Part 91 of this chapter at the time of entry into Canada, and it is shown to the satisfaction of the veterinary inspector at the United States port of entry that they are the identical animals covered by said certificates, or, in the case of poultry, if they otherwise qualified for entry into Canada under the Canadian regulations, and in any case if they are found by the inspector to be free of communicable disease and exposure thereto.

(2) Ruminants, swine, horses, and poultry from the United States used for rodeo, circus, or stage exhibitions in Canada are eligible for return to the United States without Canadian health or test certificates, if they are accompanied by copies of the health certificates properly issued and endorsed within the preceding three months, in accordance with the export regulations in Part 91 of this chapter for entry into Canada, and if it is shown to the satisfaction of the veterinary inspector at the United States port of entry that they are the identical animals covered by said certificates, or, in the case of poultry, if they otherwise qualified for entry into Canada under the Canadian regulations, and, in any case, if they are found by the inspector to be free of communicable disease and exposure thereto.

§ 92.26 *Poultry from Canada.* All poultry offered for importation from Canada shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that such poultry have been inspected on the premises of origin and that, as far as it has been possible to determine, such poultry are free of evidence of any communicable disease or exposure thereto. However, the Director of Division, when he finds that such action may be taken without endangering the poultry industry of the United States, may authorize the importation from Canada, without such certification, of eggs for hatching, newly hatched poultry, and poultry consigned for immediate slaughter.

COUNTRIES OF CENTRAL AMERICA AND WEST INDIES *

§ 92.27 *Animals from Central America and the West Indies; permits required.* A permit as provided in § 92.4 shall be secured for the importation of ruminants and swine from countries of Central America into any port of the United States and for the importation of ruminants and swine from countries of the West Indies into the continental United States. The importation of cattle from any area infested with fever ticks, *Boophilus annulatus*, is prohibited, except as provided in § 92.28 (c).

§ 92.28 *Ruminants from Central America and the West Indies.* (a) Ruminants offered for importation from countries of Central America and the West Indies, except as provided in paragraph (c) of this section, shall be accompanied by a certificate of a salaried veterinarian of the national government of the country of origin stating that such animals have been in said country at least 60 days immediately preceding the date of shipment therefrom; that he has inspected such animals on the premises of origin and found them free from evidence of any communicable disease; and that, as far as it has been possible to determine, such animals have not been exposed to any such disease during the preceding 60 days. If no such veterinary officer is available in the country of origin, ruminants, other than sheep and goats, may be accompanied by an affidavit of the owner or importer stating that such animals have been in the country from which they were directly shipped to the United States for a period of at least 60 days immediately preceding the date of shipment therefrom, and that during such period no communicable disease has existed among them or among animals of their kind with which they have come in contact. Ruminants for which such affidavit is presented, unless imported for immediate slaughter, shall be quarantined at the port of entry at least seven days and during that time shall be subjected to such dipping, blood tests or other tests, as may be required by the Director of Division to determine their

freedom from communicable diseases. If imported for immediate slaughter, such animals shall be handled as provided in § 92.23.

(b) The certificate accompanying sheep and goats offered for importation from countries of Central America and the West Indies shall, in addition to the statements required by paragraph (a) of this section, state: (1) That the said veterinary officer has inspected such sheep and goats on the premises of origin and found them free of evidence of the disease known as scrapie; (2) that, as far as can be determined, scrapie has not existed in any district in which such sheep or goats were located during the three years immediately prior to shipment to the United States; and (3) that each of such animals is not the progeny of a sire or dam that has been affected with scrapie.

(c) Cattle, which have been infested with or exposed to fever ticks, may be imported from the British Virgin Islands into the United States Virgin Islands, for immediate slaughter only, if they are free from fever ticks at the time of such importation; if they are entered through one of the ports designated in § 92.3 (d) and are consigned to a recognized slaughtering center with facilities approved by the Director of Division for holding the animals in isolation until slaughtered, which shall be within 14 days after the date of entry into the United States Virgin Islands; and if they are accompanied by a certificate of a responsible official of the government of the British Virgin Islands certifying that the cattle originated in and are being shipped directly from the British Virgin Islands, that they are free of fever ticks, and that, as far as it has been possible to determine, such cattle are free from evidence of communicable disease and have not been exposed to any such disease common to animals of their kind, other than splenic, southern, or tick fever, during the 60 days preceding their movement to the United States Virgin Islands.

(d) If ruminants are unaccompanied by the certificate or affidavit as required by paragraph (a), (b), or (c) of this section, or if they are found upon inspection at the port of entry to be affected with a communicable disease or to have been exposed thereto, they shall be refused entry, except as provided in paragraph (c) of this section. Ruminants refused entry shall be handled thereafter in accordance with the provisions of section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103), or quarantined, or otherwise disposed of as the Director of Division may direct.

§ 92.29 *Swine from Central America and the West Indies.* Swine offered for importation from countries of Central America and the West Indies shall be accompanied by an affidavit of the owner or importer stating that the said animals have been in the country from which they were directly shipped to the United States for a period of at least 60 days immediately preceding the date of shipment therefrom and that during such time no communicable disease has existed among them or among animals of

their kind with which they have come in contact. Unless imported for immediate slaughter, said swine shall be quarantined at the port of entry for not less than 1 week, and in the absence of said affidavit shall be quarantined for not less than 2 weeks. While under quarantine the said swine, with the exception of wild swine, shall be immunized against hog cholera under the supervision of a veterinary inspector, at the owner's expense, by one of the methods recognized by the Department. Wild swine shall be subjected to such blood tests or other tests as may be ordered by the Director of Division in each instance to determine their freedom from communicable disease. Swine imported for immediate slaughter shall be handled as provided in § 92.23.

§ 92.30 *Horses from Central America and the West Indies.* When so ordered by the Director of Division, horses from countries of Central America and the West Indies shall be subjected to such quarantine and blood tests or other tests as he may deem necessary to determine their freedom from communicable disease. Any such horses that are found to be infested with fever ticks, *Boophilus annulatus*, shall not be permitted entry until they have been freed therefrom by dipping in a permitted arsenical solution or by other treatment approved by the Director of Division. In lieu of inspection at the port of entry as prescribed in § 92.8, race horses returning from the West Indies may be inspected at such points as the Director of Division may direct.

MEXICO *

§ 92.31 *Permits for ruminants, swine, and poultry.* (a) For ruminants and swine, intended for importation from the Mexican States of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, Sonora, Durango, and Baja, California, the importer or his agent shall deliver to the inspector in charge at the port of entry in writing an application for inspection so that the inspector in charge and representatives of the Bureau of Customs may make mutually satisfactory arrangements for the orderly inspection of the animals. The inspector in charge will provide the importer or his agent with a written statement assigning inspection dates when the animals may be presented for entry.

(b) For ruminants and swine, intended for importation from States of Mexico other than those listed in paragraph (a) of this section and poultry from all of Mexico the importer shall first obtain from the Division a permit in two sections. One section will be for presentation to the American Consul in the district which includes the point of origin and the other for presentation to the collector of customs at the port of entry specified therein. The animals will be received at the specified port on the date prescribed in the permit for their arrival or at any time during one

* Importations from countries of Central America and the West Indies shall be subject to §§ 92.27 and 92.30 inclusive, in addition to other sections in this part which are in terms applicable to such importations.

* Importations from Mexico shall be subject to §§ 92.31 to 92.40, inclusive, in addition to other sections in this part which are in terms applicable for such importations.

week immediately following, after which time the permit shall be void.

§ 92.32 Declaration of purpose. For all cattle, sheep, goats, swine, and poultry offered for importation from Mexico, there shall be presented to the collector of customs, at the time of entry, a statement signed by the importer or his agent showing clearly the purpose for which said animals are to be imported.

§ 92.33 Inspection at port of entry. (a) All horses, ruminants, swine, and poultry offered for entry from Mexico, including such animals intended for movement through the United States in bond for immediate return to Mexico, shall be inspected at the port of entry, and all such animals found to be free from communicable disease and fever tick infestation, and not to have been exposed thereto, shall be admitted into the United States subject to the other applicable provisions of this part. Animals found to be affected with or to have been exposed to a communicable disease, or infested with fever ticks, shall be refused entry except as provided in § 92.35 (a) (2). Ruminants and swine refused entry shall be handled thereafter in accordance with provisions of section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103) or quarantined or otherwise disposed of as the Director of Division may direct. Horses and poultry refused entry, unless exported within a time fixed in each case by the Director of Division, shall be disposed of as said Director may direct.

(b) Animals covered by paragraph (a) of this section shall be imported through ports, designated in § 92.3, which are equipped with facilities necessary for proper chute inspection, dipping, and testing, as provided in this part.

§ 92.34 Detention at port of entry and periods of quarantine. (a) Cattle, other ruminants, and swine imported from Mexico and originating in the Mexican States of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, Sonora, Durango, and Baja California, except animals being transported in bond for immediate return to Mexico and except animals imported for immediate slaughter, may be detained at the port of entry and there subjected to such disinfection, blood tests, other tests, and dipping as may be required by the Director of Division to determine their freedom from any communicable disease or infection with such disease and the importer shall be responsible for the care, feed, and handling of the animals during the period of detention.

(b) Cattle, other ruminants, and swine originating in States of Mexico, other than those listed in paragraph (a) of this section, and all poultry, imported from Mexico, except animals being transported in bond for immediate return to Mexico and eggs for hatching, shall be quarantined at the port of entry for not less than 15 days, counting from the date of arrival at such port. During their quarantine cattle, other ruminants, swine, and poultry shall be subjected to such disinfection, blood tests, other tests, and dipping as may be required by the Director of Division to de-

termine their freedom from any communicable disease or infection with such disease. Any offering for entry from Mexico of cattle, other ruminants, and swine which includes any such animals from Mexican States other than those listed in paragraph (a) of this section, shall be subject to the provisions of this paragraph rather than to the provisions of paragraph (a) of this section.

§ 92.35 Cattle from Mexico—(a) Fever ticks. (1) Except as provided in subparagraph (2) of this paragraph, all cattle offered for importation from Mexico, for purposes other than immediate slaughter, shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government showing that he inspected the said cattle at the time of movement to the port of entry and found them free from any evidence of communicable disease and that, as far as it has been possible to determine, they have not been exposed to any such disease, including splenic, southern, or tick fever, during the preceding 60 days and if shipped by rail or truck the certificate shall further specify that the cattle were loaded into clean and disinfected cars or trucks for transportation direct to the port of entry. They shall also be accompanied by a certificate of the importer, or his agent supervising the shipment, stating that while en route to the port of entry they have not been trailed or driven through any district or area infested with fever ticks. Notwithstanding such certificates, such cattle shall be detained or quarantined as provided in § 92.34 and shall be dipped at least once, under supervision of an inspector, in an arsenical solution containing a minimum of 0.22 percent of arsenious oxide in solution, or in a permitted scabies dip, depending on the origin of the animals and subject to the discretion of the inspector. The owner or his agent shall first execute an application for inspection and dipping as provided in paragraph (a) (2) (iii) of this section.

(2) Cattle which have been infested with or exposed to fever ticks may be imported from Mexico into the State of Texas, provided the following conditions are strictly observed and complied with:

(i) The cattle shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government showing that he has inspected the cattle and found them free from fever ticks and any evidence of communicable disease, and that, as far as it has been possible to determine, they have not been exposed to any such disease except splenic, southern, or tick fever, during the 60 days immediately preceding their movement to the port of entry.

(ii) The cattle shall be shown by a certificate of a salaried veterinarian of the Mexican Government to have been dipped in an arsenical solution containing a minimum of 0.22 percent of arsenious oxide in solution within 7 to 12 days before being offered for entry.

(iii) The importer, or his duly authorized agent, shall first execute and deliver to an inspector at the port of entry an application for inspection and supervised dipping wherein he shall agree to waive all claims against the

United States for any loss or damage to the cattle occasioned by or resulting from dipping, or resulting from the fact that they are later found to be still tick infested; and also for all subsequent loss or damage to any other cattle in the possession or control of such importer which may come into contact with the cattle so dipped.

(iv) The cattle when offered for entry shall receive a chute inspection by an inspector. If found free from ticks they shall be given one dipping in a permitted dip under the supervision of an inspector 7 to 14 days after the dipping required by subdivision (ii) of this subparagraph. If found to be infested with fever ticks, the entire lot of cattle shall be rejected and will not be again inspected for entry until 10 to 14 days after they have again been dipped in the manner provided by subdivision (ii) of this subparagraph.

(v) The conditions at the port of entry shall be such that the subsequent movement of the cattle can be made without exposure to fever ticks.

(b) **Tuberculosis.** All cattle offered for importation from Mexico, except strictly range cattle* and those offered for immediate slaughter, shall be accompanied by a satisfactory certificate of a salaried veterinarian of the Mexican Government showing that the animals have been tested for tuberculosis with negative results within 30 days preceding their being offered for entry. The said certificate shall give the date and place of such testing, names of the consignor and consignee, and a description of the cattle, including breed, ages, markings, and tattoo and ear tag numbers.

(c) **Brucellosis.** (1) All bulls and female cattle for entry into the United States from Mexico shall be detained or quarantined at the port of entry, and, except as provided in subparagraph (2) of this paragraph, a blood sample shall be obtained from each animal and an agglutination test made for brucellosis. Animals not negative to the test shall be refused entry.

(2) The following classes of animals shall not be required to be tested under the provisions of subparagraph (1) of this paragraph:

(i) Cattle for immediate slaughter;

(ii) Animals under six months of age; and

(iii) Female calves which are officially vaccinated against brucellosis at the port of entry by a veterinarian at no expense to the Department, under supervision of the inspector, with a vaccine approved by the Agricultural Research Service of the Department, and which are permanently identified by a tattoo in the right ear or a "V" fire brand on the right jaw as approved by the Agricultural Research Service.

§ 92.36 Sheep and goats and wild ruminants from Mexico. (a) Sheep and goats offered for importation from Mexico shall be accompanied by a certificate

* It has been determined that the incidence of tuberculosis is much less than one-half of 1 percent among range cattle in the northern states of Mexico, where importations of this class of cattle originate. Such cattle, however, will be subject to the tuberculosis requirements of the state of destination.

of a salaried veterinarian of the Mexican Government stating: (1) That he has inspected such sheep and goats on the premises of origin and found them free of evidence of the disease known as scrapie, and of any other communicable disease; (2) that, as far as it has been possible to determine, such animals have not been exposed to any such disease during the preceding 60 days; (3) that, as far as can be determined, the disease known as scrapie has not existed in any district in which such sheep or goats were located during the three years immediately prior to shipment to the United States; and (4) that each of such animals is not the progeny of a sire or dam that has been affected with scrapie. If such sheep or goats are shipped by rail or truck the certificate shall further specify that such animals were loaded into cleaned and disinfected cars or trucks for transportation direct to the port of entry. Notwithstanding such certificate, such sheep and goats shall be detained or quarantined as provided in § 92.34 and shall be dipped at least once in a permitted scabies dip under supervision of an inspector.

(b) The certificate accompanying goats offered for importation from Mexico shall, in addition to the statements required by paragraph (a) of this section, state that such goats have been tested for tuberculosis and brucellosis with negative results within 30 days preceding their being offered for entry, and give the date and method of testing, the name of the consignor and of the consignee, and a description of the animals including breed, ages, markings, and tattoo and ear tag numbers. Notwithstanding such certification, such goats shall be detained or quarantined as provided in § 92.34 and retested for brucellosis.

(c) If sheep or goats are unaccompanied by the certificate as required by paragraphs (a) and (b) of this section, or if they are found upon inspection or retesting, as provided for in this part, to be affected with a communicable disease or to have been exposed thereto, they shall be refused entry and shall be handled thereafter in accordance with the provisions of section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103), or quarantined, or otherwise disposed of as the Director of Division may direct.

(d) Certificates will not be required for wild ruminants, other than sheep and goats, originating in and shipped direct from Mexico, but such animals are subject to inspection at the port of entry as provided in § 92.33.

§ 92.37 *Swine from Mexico.* (a) Except as provided for in paragraph (b) of this section, all swine offered for importation from Mexico for purposes other than immediate slaughter, shall be accompanied by a certificate signed by a salaried veterinarian of the Mexican Government showing that for a period of 60 days prior to their movement from the premises on which they were kept no swine plague or hog cholera has existed within a radius of 5 miles therefrom. In addition, all such swine shall be immunized against hog cholera under

the supervision of an inspector at the port of entry at the owner's expense in accordance with one of the methods recognized by the Department for preventing the spread of this disease. In the absence of the certificate as herein specified, such swine shall be detained or quarantined as provided in § 92.34 and, in addition to immunization against hog cholera, shall be subjected to such inspections and tests as may be deemed necessary by the Director of Division to determine their freedom from communicable disease.

(b) A certificate as specified in this section will not be required for wild swine for exhibition purposes, and such animals will not be required to undergo immunization against hog cholera but are subject to inspection at the port of entry as provided in § 92.33.

§ 92.38 *Poultry from Mexico.* Poultry, except eggs for hatching, offered for entry from Mexico, for purposes other than immediate slaughter, shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government stating that such poultry and their flock or flocks of origin were inspected on the premises of origin immediately before the date of movement therefrom; that they were then found to be free of evidence of communicable diseases of poultry; and that, as far as it has been possible to determine, they were not exposed to any such diseases during the 60 days immediately preceding the date of such movement. The certificate shall also state that the poultry have been kept in Mexico for at least 60 days immediately preceding the date of movement therefrom or since they were hatched; that, in so far as it has been possible to determine, no case of European fowl pest (fowl plague) or Newcastle disease (avian pneumoencephalitis), occurred in the localities where the poultry were kept during such period. Eggs for hatching offered for importation from Mexico shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government stating that the flock or flocks or origin of such eggs were inspected on the premises of origin immediately before the date of movement of the eggs therefrom, and found to be free from evidence of communicable diseases of poultry; and that, as far as it has been possible to determine, such flock or flocks were not exposed to any such diseases during the preceding 60 days.

§ 92.39 *Horses from Mexico.* (a) Horses offered for importation from Mexico shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Mexican Government showing that said horses have been inspected on the premises of origin in Mexico and found free from evidence of any contagious, infectious, or communicable disease, and, as far as it has been possible to determine, they have not been exposed to any such disease common to animals of their kind during the preceding 60 days: *Provided, however,* That the Director of Division may waive the certificate requirement with respect to any or all horses from Mexico when he

finds that such action may be taken without endangering the livestock industry of the United States.

(b) Horses offered for importation from tick-infested areas of Mexico shall be chute inspected, unless in the judgment of the inspector a satisfactory inspection can be made otherwise. If they are found to be apparently free from fever ticks, before entering the United States they shall be dipped once in a permitted arsenical solution or be otherwise treated in a manner approved by the Director of Division. If they are found to be infested with fever ticks they shall be refused entry but may be reoffered for importation after being handled as prescribed in § 92.35 (a) (2) (ii) for cattle from tick-infested areas.

(c) Any horse from Mexico may be detained or quarantined at the port of entry and there subjected to such tests as may be required by the Director of Division to determine freedom from disease, and the importer shall be responsible for the care, feed, and handling of such horses during the period of detention or quarantine.

§ 92.40 *Animals for immediate slaughter.* Swine and ruminants, other than sheep and goats, from the Mexican States of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, Sonora, Durango, and Baja California, and horses and poultry from any part of Mexico, may be imported, subject to the applicable provisions of §§ 92.31, 92.32, 92.33, 92.35 (a) (2) and 92.39 (a) for immediate slaughter if accompanied by a certificate of a salaried veterinarian of the Mexican Government stating that he has inspected such animals on the premises of origin and found them free of evidence of communicable disease, and that, so far as it has been possible to determine, they have not been exposed to any such disease common to animals of their kind during the preceding 60 days, and if the animals are shipped by rail or truck, the certificate shall further specify that the animals were loaded into cleaned and disinfected cars or trucks for transportation directly to the port of entry. Such animals shall be consigned from the port of entry to some recognized slaughtering center and there slaughtered within 2 weeks from the date of entry. Such animals shall be moved from the port of entry in conveyances sealed with seals of the United States Government. Swine and ruminants from Mexican States other than those designated above and sheep and goats from any part of Mexico may be imported only in compliance with other applicable sections in this part.

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), AND NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS): PROHIBITED AND RESTRICTED IMPORTATIONS

Sec.

- 94.1 Designation of countries where rinderpest or foot-and-mouth disease exists; importations prohibited.
- 94.2 Meat or products derived from goats, wild ruminants, or wild swine.
- 94.3 Organs, glands, extracts, or secretions of ruminants or swine.

- Sec.
94.4 Foreign cured or cooked meats from countries where rinderpest or foot-and-mouth disease exists.
94.5 Garbage from foreign meats or meat products.
94.6 Dressed poultry.
94.7 Disposal of animals, meats, products, and other commodities refused admission.

AUTHORITY: §§ 94.1 to 94.7 issued under sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689, as amended; 19 U. S. C. 1306, 21 U. S. C. 111.

§ 94.1 *Designation of countries where rinderpest or foot-and-mouth disease exists; importations prohibited.* (a) Notice is hereby given that, in accordance with section 306 of the Tariff Act of 1930 (19 U. S. C. 1306), it has been determined that rinderpest or foot-and-mouth disease exists in the following designated countries, and that official notice thereof has been given to the Secretary of the Treasury:

- (1) Island of Curacao.
- (2) Island of Martinique;
- (3) All countries of South America; and
- (4) All countries east of the 30th meridian west longitude and west of the International Date Line, except Australia, Greenland, Iceland, New Zealand, Northern Ireland, Norway, and the Republic of Ireland.

(b) The importation from the infected countries, designated in paragraph (a) of this section, into the United States of cattle, sheep, or other domestic ruminants, or swine, or of fresh, chilled, or frozen beef, veal, mutton, lamb, or pork (including the entry into any port of the United States of any vessel having on board as sea stores or otherwise such animals or meats from such countries), is prohibited.

§ 94.2 *Meat or products derived from goats, wild ruminants, or wild swine.* The importation of fresh, chilled, or frozen meat or products derived from goats, wild ruminants, or wild swine, originating in any country designated in § 94.1 is prohibited, except as provided in § 94.3.

§ 94.3 *Organs, glands, extracts, or secretions of ruminants or swine.* The importation of fresh, chilled, or frozen organs, glands, extracts, or secretions derived from ruminants or swine, originating in any country designated in § 94.1, except for pharmaceutical or biological purposes under conditions prescribed by the Director of the Animal Inspection and Quarantine Division in each instance, is prohibited.

§ 94.4 *Foreign cured or cooked meats¹ from countries where rinderpest or foot-and-mouth disease exists.* (a) The importation of cured meats derived from ruminants or swine, originating in any country designated in § 94.1 is prohibited unless the following conditions have been fulfilled:

- (1) All bones shall have been completely removed in the country of origin.
- (2) The meat shall have been held in an unfrozen, fresh condition for at least

3 days immediately following the slaughter of the animals from which it was derived.

(3) The meat shall have been thoroughly cured.

(4) When so directed by the Director of the Animal Inspection and Quarantine Division, such meat shall be consigned directly from the port of entry to a meat-processing establishment operating under Federal meat inspection that has been approved by him for the further processing of such meat. Such meat shall be shipped from the port of entry to the approved establishment under Customs seals or seals of the Division and shall be otherwise handled as the said Director of Division may direct. Seals applied under authority of this section shall not be broken except by persons authorized to do so by the said Director of Division.

(b) The importation of cooked meats derived from ruminants or swine originating in any country designated in § 94.1 is prohibited unless the following conditions shall have been fulfilled:

- (1) All bones shall have been completely removed in the country of origin.
- (2) The meat shall have been heated to such an extent that, upon inspection, the meat will have a thoroughly cooked appearance throughout.

(3) When so directed by the Director of the Animal Inspection and Quarantine Division such meat shall be dealt with as provided in paragraph (a) (4) of this section.

§ 94.5 *Garbage from foreign meats or meat products.* No garbage derived in whole or in part from meats or meat products originating in any country designated in § 94.1 shall be unloaded from any vessel, aircraft or other carrier in the United States or within the territorial waters thereof: *Provided, however,* That such garbage, when contained in tight receptacles, may be so unloaded for incineration or other proper disposal in such manner and under such supervision as may be prescribed by the Director of the Animal Inspection and Quarantine Division.

§ 94.6 *Dressed poultry.* The importation of dressed poultry from any foreign country except Canada is prohibited unless such poultry shall have been drawn and the feet and heads shall have been removed.

§ 94.7 *Disposal of animals, meats, products, and other commodities refused admission.* Animals, meats, products, and other commodities that are prohibited importation or entry under the regulations in this part shall be handled as follows:

(a) Animals and meats prohibited importation under § 94.1 which come into the United States by ocean vessel and are offered for entry and refused admission into this country shall be destroyed or otherwise disposed of as the Director of the Animal Inspection and Quarantine Division may direct unless they are exported by the consignee within 10 days on the same vessel and meanwhile are retained on board such vessel under such isolation and other safeguards as said Director of Division may require.

(b) Animals and meats prohibited importation under § 94.1 which come into the United States by any means other than ocean vessel and are offered for entry and refused admission into this country shall be destroyed or otherwise disposed of as the Director of the Animal Inspection and Quarantine Division may direct unless they are exported by the consignee within 24 hours on the same carrier and meanwhile are retained on board such carrier under such isolation and other safeguards as said Director of Division may require.

(c) Animals and meats prohibited importation under § 94.1 which come into the United States by any means but are not offered for entry into this country, and animals, meats, products and other commodities prohibited importation or entry under §§ 94.2, 94.3, 94.4, and 94.6 which come into the United States by any means, whether they are offered for entry into this country or not, shall be immediately destroyed or otherwise disposed of as the Director of the Animal Inspection and Quarantine Division may direct.

PART 95—SANITARY CONTROL OF ANIMAL BYPRODUCTS (EXCEPT CASINGS), AND HAY AND STRAW, OFFERED FOR ENTRY INTO THE UNITED STATES

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¹ This does not include any meat that has been sterilized by heat in hermetically sealed containers.

- Sec.
 95.25 Transportation of restricted import products; placarding cars and marking billing; unloading en route.
 95.26 Cars, other vehicles, boats, yards, and premises; cleaning and disinfection.
 95.27 Regulations applicable to products from territorial possessions.
 95.28 Hay or straw, and similar material from tick-infested areas.

AUTHORITY: §§ 95.1 to 95.28 issued under sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111.

§ 95.1 *Definitions.* Whenever in the regulations in this part the following words, names, or terms are used they shall be construed, respectively, to mean:

(a) "Department" means the United States Department of Agriculture.

(b) "Division" means the Animal Inspection and Quarantine Division, United States Department of Agriculture.

(c) "Director of Division" means the Director of the Animal Inspection and Quarantine Division.

(d) "Inspector" means an inspector of the Animal Inspection and Quarantine Division.

(e) "Consular officer" means a consular officer of the United States of America.

(f) "Approved establishment" means an establishment approved by the Division for the receipt and handling of restricted import animal byproducts.

(g) "Approved warehouse" means a warehouse having facilities approved by the Division for the handling and storage, apart from other merchandise, of restricted import products.

(h) "Approved chlorinating equipment" means equipment approved by the Division as efficient for the disinfection of effluents against the contagions of foot-and-mouth disease and rinderpest.

(i) "Approved sewerage system" means a drainage system equipped and operated so as to carry and dispose of sewage without endangering livestock through the contamination of streams or fields and approved by the Division.

(j) "Animal byproducts" means hides, skins, hair, wool, glue stock, bones, hoofs, horns, bone meal, hoof meal, horn meal, blood meal, meat meal, tankage, glands, organs, or other parts or products of ruminants and swine unsuitable for human consumption.

(k) "Glue stock" means fleshings, hide cuttings and parings, tendons, or other collagenous parts of animal carcasses.

(l) *Bone meal.* "Bone meal" means ground animal bones and hoof meal and horn meal.

(m) "Blood meal" means dried blood of animals.

(n) "Meat meal or tankage" means the rendered and dried carcasses or parts of the carcasses of animals.

(o) "Hay and straw" means dried grasses, clovers, legumes, and similar materials or stalks or stems of various grains, such as barley, oats, rice, rye, and wheat.

§ 95.2 *Country of origin.* No products or materials specified in the regulations in this part shall be imported unless there be shown upon the consular invoice, or in some other manner satisfactory to the Director of Division, the name of the country of origin of such product

or material: *Provided,* That the country of origin shall be construed to mean (a) in the case of an animal byproduct, the country in which such product was taken from an animal or animals, and (b) in the case of other materials, the country in which such materials were produced.

§ 95.3 *Byproducts from diseased animals prohibited.* The importation of any animal byproduct taken or removed from an animal affected with anthrax, foot-and-mouth disease, or rinderpest is prohibited.

§ 95.5 *Untanned hides and skins; requirements for unrestricted entry.* Untanned hides and/or skins of cattle, buffalo, sheep, goats, other ruminants, and swine which do not meet the conditions of requirements specified in any one of paragraphs (a) to (e) of this section shall not be imported except subject to handling and treatment in accordance with § 95.6 after arrival at the port of entry:

(a) Hides or skins originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest may be imported without further restriction.

(b) Hides or skins may be imported without other restriction if found upon inspection by an inspector, or by certificate of the shipper or importer satisfactory to said inspector, to be hard dried hides or skins.

(c) Abattoir hides or skins taken from animals slaughtered under national government inspection in a country⁴ and in an abattoir in which is maintained an inspection service determined by the Secretary of Agriculture to be adequate to assure that they have been removed from animals found at time of slaughter to be free from anthrax, foot-and-mouth disease, and rinderpest, and to assure further the identity of such materials until loaded upon the transporting vessel, may be imported without other restriction if accompanied by a certificate bearing the seal of the proper department of such national government and signed by an official veterinary inspector of such country showing that the therein described hides or skins were taken from animals slaughtered in such specified abattoir and found free from anthrax, foot-and-mouth disease, and rinderpest.

(d) Hides or skins may be imported without other restriction if shown upon inspection by an inspector, or by certificate of the shipper or importer satisfactory to said inspector, to have been pickled in a solution of salt containing mineral acid and packed in barrels, casks, or tight cases while still wet with such solution.

(e) Hides or skins may be imported without other restriction if shown upon inspection by an inspector, or by certificate of the shipper or importer satisfactory to said inspector, to have been treated with lime in such manner and for such period as to have become dehaired and to have reached the stage of prep-

aration for immediate manufacture into products ordinarily made from rawhide.

§ 95.6 *Untanned hides and skins; importations permitted subject to restrictions.* Hides or skins offered for importation which do not meet the conditions or requirements of § 95.5 shall be handled and treated in the following manner after arrival at the port of entry:

(a) They shall be consigned from the coast or border port of arrival to an approved establishment and shall be subject to disinfection by such method or methods as the Director of Division may prescribe unless the said establishment discharges drainage into an approved sewerage system or has an approved chlorinating equipment adequate for the proper disinfection of effluents: *Provided, however,* That upon permission of the Director of Division such hides or skins may be stored for a temporary period in approved warehouses under bond, and under the supervision of an inspector: *And provided further,* That I. T. or in-bond shipments of hides or skins may go forward under customs seals from a coast or border port of arrival, with the approval of an inspector at said port, to another port in the United States for consumption entry subject to the other provisions of this section.

(b) They shall be moved from the coast or border port of arrival or, in case of I. T. or in-bond shipments, from the interior port to the approved establishment in cars or trucks or in vessel compartments with no other materials contained therein, sealed with seals of the Department, which shall not be broken except by inspectors or other persons authorized by the Director of Division so to do, or without sealing as aforesaid and with other freight when packed in tight cases or casks acceptable to the inspector in charge at the port of entry.

(c) They shall be handled at the approved establishment under the direction of an inspector in a manner approved by the Director of Division to guard against the dissemination of foot-and-mouth disease and rinderpest. They shall not be removed therefrom except upon special permission of the Director of Division and upon compliance with all the conditions and requirements of this section relative to the movement of the said hides and skins from the port of arrival to the said establishment.

§ 95.7 *Wool, hair, and bristles; requirements for unrestricted entry.* Wool, hair, or bristles derived from ruminants and/or swine which do not meet the conditions or requirements specified in any one of paragraphs (a) to (e) of this section shall not be imported except subject to handling and treatment in accordance with § 95.8 after their arrival at the port of entry: *Provided, however,* That no bloodstained wool, hair, or bristles shall be imported under any condition:

(a) Such wool, hair, or bristles may be imported without other restriction if originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest.

(b) Wool or hair clipped from live animals or pulled wool or hair may be

⁴ Names of countries of this character will be furnished upon request to Animal Inspection and Quarantine Division.

imported without other restriction if the said wool or hair is reasonably free from animal manure in the form of dung locks or otherwise.

(c) Wool, hair, or bristles taken from sheep, goats, cattle, or swine, when such animals have been slaughtered under national government inspection in a country¹ and in an abattoir in which is maintained an inspection service determined by the Secretary of Agriculture to be adequate to assure that such materials have been removed from animals found at time of slaughter to be free from anthrax, foot-and-mouth disease, and rinderpest, and to assure further the identity of such materials until loaded upon the transporting vessel, may be imported without other restriction if accompanied by a certificate bearing the seal of the proper department of said national government and signed by an official veterinary inspector of such country showing that the therein described wool, hair, or bristles were taken from animals slaughtered in such specified abattoir and found free from anthrax, foot-and-mouth disease, and rinderpest.

(d) Wool, hair, or bristles which have been scoured, thoroughly washed, or dyed may be imported without other restriction.

(e) Wool, hair, or bristles from a disinfecting station of a national government, methods of disinfection at which have been approved by the Secretary of Agriculture, may be imported without other restriction if accompanied by a certificate of the Director or other accredited official of such station showing that said wool, hair, or bristles covered by the consular invoice specified in said certificate have been subjected to the scouring and disinfecting process required at such station for the disinfection of wool or hair.

§ 95.8 Wool, hair, and bristles; importations permitted subject to restrictions. Wool, hair, or bristles offered for importation which do not meet the conditions or requirements of § 95.7 shall be handled and treated in the following manner after arrival at the port of entry:

(a) Such wool, hair, or bristles shall be consigned from the coast or border port of arrival to an approved establishment: *Provided, however,* That upon permission by the Director of Division such wool, hair, or bristles may be stored for a temporary period in approved warehouses under bond and under the supervision of an inspector: *And provided further,* That I. T. or in-bond shipments of wool, hair, or bristles may go forward under customs seals from a coast or border port of arrival, with the approval of an inspector at said port, to another port for consumption entry, subject to the other provisions of this section.

(b) Such wool, hair, or bristles shall be moved from the coast or border port of arrival or, in the case of I. T. or in-bond shipments, from the interior port to the establishment in cars or trucks or in vessel compartments with no other

materials contained therein, sealed with seals of the Department, which shall not be broken except by inspectors or other persons authorized by the Director of Division so to do, or without sealing as aforesaid and with other freight when packed in tight cases acceptable to an inspector.

(c) Such wool, hair, or bristles shall be handled at the establishment under the direction of an inspector in a manner approved by the Director of Division to guard against the dissemination of foot-and-mouth disease and rinderpest. Such products shall not be removed therefrom except upon special permission of the Director of Division and upon compliance with all the conditions and requirements of this section relative to the movement of the said wool, hair, or bristles from the port of arrival to the said establishment.

§ 95.9 Glue stock; requirements for unrestricted entry. Glue stock which does not meet the conditions or requirements specified in any one of paragraphs (a) to (c) of this section shall not be imported except subject to handling and treatment in accordance with § 95.10 after arrival at the port of entry:

(a) Glue stock originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest may be imported without other restriction.

(b) Glue stock may be imported without other restriction if found upon inspection by an inspector, or by certificate of the shipper or importer satisfactory to said inspector, to have been properly treated by acidulation or by soaking in milk of lime or a lime paste; or to have been dried so as to render each piece of the hardness of a sun-dried hide.

(c) Glue stock taken from cattle, sheep, goats, or swine slaughtered under national government inspection in a country¹ and in an abattoir in which is maintained an inspection service determined by the Secretary of Agriculture to be adequate to assure that such materials have been removed from animals found at time of slaughter to be free from anthrax, foot-and-mouth disease, and rinderpest, and to assure further the identity of such materials until loaded upon the transporting vessel, may be imported without other restriction if accompanied by a certificate bearing the seal of the proper department of said national government and signed by an official veterinary inspector of such country showing that the therein described glue stock was taken from animals slaughtered in such specified abattoir and found free from anthrax foot-and-mouth disease, and rinderpest.

§ 95.10 Glue stock; importations permitted subject to restrictions. Glue stock offered for importation which does not meet the conditions or requirements of § 95.9 shall be handled and treated in the following manner after arrival at the port of entry:

(a) It shall be consigned from the coast or border port of arrival to an approved establishment and shall be subject to disinfection by such method or methods as the Director of Division

may prescribe unless the said establishment discharges drainage into an approved sewerage system or has an approved chlorinating equipment adequate for the proper disinfection of effluents: *Provided, however,* That upon permission by the Director of Division glue stock may be stored for a temporary period in approved warehouses under bond and under the supervision of an inspector: *And provided further,* That I. T. or in-bond shipments of glue stock may go forward under customs seals from a coast or border port of arrival with the approval of an inspector at said port to another port for consumption entry, subject, after arrival at the latter port, to the other provisions of this section.

(b) It shall be moved from the coast or border port of arrival or, in case of I. T. or in-bond shipments, from the interior port to the establishment in cars or trucks or in vessel compartments with no other materials contained therein, sealed with seals of the Department, which shall not be broken except by inspectors or other persons authorized by the Director of Division so to do, or without sealing as aforesaid and with other freight when packed in tight cases or casks acceptable to an inspector at port of entry.

(c) It shall be handled at the establishment under the direction of an inspector in a manner approved by the Director of Division to guard against the dissemination of foot-and-mouth disease and rinderpest. It shall not be removed therefrom except upon special permission of the Director of Division and upon compliance with all the conditions and requirements of this section relative to the movement of the said glue stock from the port of arrival to the said establishment.

§ 95.11 Bones, horns, and hoofs for trophies or museums. Clean, dry bones, horns, and hoofs, that are free from undried pieces of hide, flesh, and sinew and are offered for entry as trophies or for consignment to museums may be imported without other restrictions.

§ 95.12 Bones, horns, and hoofs; importations permitted subject to restrictions. Bones, horns, and hoofs offered for importation which do not meet the conditions or requirements of § 95.11 shall be handled and treated in the following manner after arrival at the port of entry:

(a) They shall be consigned from the coast or border port of arrival to an approved establishment having facilities for their disinfection or their conversion into products customarily made from bones, horns, or hoofs: *Provided, however,* That I. T. or in-bond shipments of bones, horns, or hoofs may go forward under customs seals from a coast or border port of arrival, with the approval of an inspector at said port, to another port for consumption entry subject to the other provisions of this section.

(b) They shall be moved from the coast or border port of arrival or, in case of I. T. or in-bond shipments, from the interior port to the establishment in cars or trucks with no other materials contained therein, sealed with seals of the Department, which shall not be broken

¹ Names of countries of this character will be furnished upon request to Animal Inspection and Quarantine Division.

except by inspectors or other persons authorized by the Director of Division so to do, or without sealing as aforesaid and with other freight when packed in tight cases or casks acceptable to an inspector at the port of entry.

(c) They shall be handled at the establishment under the direction of an inspector in a manner to guard against the dissemination of anthrax, foot-and-mouth disease, and rinderpest, and the bags, burlap, or other containers thereof, before leaving the establishment, shall be disinfected by heat or otherwise, as directed by the Director of Division or burned at the establishment. They shall not be removed therefrom except upon special permission of the Director of Division and upon compliance with all the conditions and requirements of this section relative to the movement of the said bones, horns, and hoofs.

§ 95.13 Bone meal for use as fertilizer or as feed for domestic animals; requirements for entry. Steamed or degelatinized or special steamed bone meal, which, in the normal process of manufacture, has been prepared by heating bone under a minimum of 20 pounds steam pressure for at least one hour at a temperature of not less than 250° Fahrenheit (121° Centigrade), may be imported without further restrictions for use as fertilizer or as feed for domestic animals if such products are free from pieces of bone, hide, flesh, and sinew and contain no more than traces of hair and wool. Bone meal for use as fertilizer or as feed for domestic animals which does not meet these requirements will not be eligible for entry.

§ 95.14 Blood meal, tankage, and similar products for use as fertilizer or animal feed; requirements for entry. Dried blood or blood meal, lungs or other organs, tankage, meat meal, wool waste, wool manure, and similar products for use as fertilizer or as feed for domestic animals shall not be imported unless such products:

(a) Originated in and were shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest; or

(b) Are accompanied by the certificate of a consular officer showing that in the process of manufacture the particular product was heated throughout to a temperature of not less than 156° Fahrenheit (68.9° Centigrade).

§ 95.15 Blood meal, blood albumin, intestines, and other animal byproducts for industrial use; requirements for unrestricted entry. Blood meal, blood albumin, bone meal, intestines, or other animal materials intended for use in the industrial arts, which do not meet the conditions or requirements specified in paragraph (a) or (b) of this section shall not be imported except subject to handling and treatment in accordance with § 95.16.

(a) Products specified in this section originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest may be imported without further restriction.

(b) Products specified in this section may be imported without further restriction if accompanied by the certificate of a consular officer showing that in the process of manufacture the particular product was heated throughout to a temperature of not less than 156° Fahrenheit (68.9° Centigrade).

§ 95.16 Blood meal, blood albumin, intestines, and other animal byproducts for industrial use; importations permitted subject to restrictions. Blood meal, blood albumin, bone meal, intestines, or other animal materials intended for use in the industrial arts, which do not meet the conditions or requirements of § 95.15 shall be handled and treated in the following manner after arrival at the port of entry.

(a) They shall be consigned from the coast or border port of arrival to an approved establishment: *Provided, however,* That upon permission by the Director of Division they may be stored for a temporary period in approved warehouses under bond and under the supervision of an inspector: *And provided further,* That I. T. or in-bond shipments of such products may go forward under customs seals from a coast or border port of arrival, with the approval of an inspector at said port, to another port of consumption entry, subject after arrival at the latter port to the other provisions of this section.

(b) They shall be moved from the coast or border port of arrival or, in the case of I. T. or in-bond shipments, from the interior port to the establishment in cars or trucks or in vessel compartments with no other materials contained therein, sealed with seals of the Department, which shall not be broken except by Division inspectors or other persons authorized by the Director of Division so to do, or without sealing as aforesaid and with other freight when packed in tight cases or casks acceptable to an inspector at the port of entry.

(c) They shall be handled at the establishment under the direction of an inspector in a manner to guard against the dissemination of foot-and-mouth disease and rinderpest. They shall not be removed therefrom except upon special permission of the Director of Division and upon compliance with all the conditions and requirements of this section relative to the movement of the said products from the port of arrival to the said establishment.

§ 95.17 Glands, organs, ox gall, and like materials; requirements for unrestricted entry. Glands, organs, ox gall or bile, bone marrow, and various like materials derived from domestic ruminants or swine, intended for use in the manufacture of pharmaceutical products, which do not meet conditions or requirements specified in paragraph (a) or (b) following, shall not be imported except subject to handling and treatment in accordance with § 95.18.

(a) Such glands, organs, or materials may be imported without other restriction if originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest.

(b) Such glands, organs, or materials may be imported without other restriction if accompanied by the certificate of a consular officer showing that in process of preparation the particular product was subjected to a temperature of not less than 156° Fahrenheit (68.9° Centigrade).

§ 95.18 Glands, organs, ox gall, and like materials; importations permitted subject to restrictions. Glands, organs, ox gall or bile, bone marrow, and various like materials derived from domestic ruminants or swine, which do not meet the requirements of § 95.17 may be imported for pharmaceutical purposes if in tight containers and consigned to an approved establishment: *Provided, however,* That upon special permission of the Director of Division they may be stored for a temporary period in approved warehouses under bond and under the supervision of an inspector. They shall be handled and processed at the said establishment in a manner approved by the Director of Division and the containers shall be destroyed or disinfected as prescribed by him. They shall not be removed therefrom except upon special permission of the Director of Division and upon compliance with all the conditions and requirements of this section relative to the movement of the said glands, organs, ox gall, and like materials from the port of arrival to the said establishment.

§ 95.19 Animal stomachs. Stomachs or portions of the stomachs of ruminants or swine, other than those imported for food purposes under the meat-inspection regulations of the Department, shall not be imported without permission from the Director of Division. Importations permitted shall be subject to such restrictions as the Director of Division may deem necessary in each instance.

§ 95.20 Animal manure. Manure of horses, cattle, sheep, other ruminants, and swine shall not be imported except upon permission from the Director of Division. Importations permitted shall be subject to such restrictions as he may deem necessary in each instance: *Provided, however,* That manure produced by animals while in transit to the United States shall be subject only to the requirements of the Department regulations governing the importation of domestic livestock and other animals.

§ 95.21 Hay and straw; requirements for unrestricted entry. Except as provided in § 95.28, hay or straw which does not meet the conditions or requirements of paragraph (a), (b), or (c) of this section shall not be imported except subject to handling and treatment in accordance with § 95.22 after arrival at the port of entry.

(a) Hay or straw may be imported without other restriction if originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest.

(b) Hay or straw packing materials may be imported without other restriction if accompanied by a certificate of a consular officer showing that the said material had been disinfected by placing it loosely in a tight compartment and

subjecting it to the action of live steam, in all parts of which compartment a temperature of not less than 176° F. (80° C.) was maintained for at least 10 minutes, or by placing it loosely in a tight compartment having a temperature of not less than 65° F. (19° C.) and spraying over and into the hay or straw 10 fluid ounces of formaldehyde solution (containing not less than 37 percent formaldehyde by weight) for each 1000 cubic feet of space in said compartment, which was immediately closed in a manner to prevent the escape of the formaldehyde vapor and kept closed for not less than 8 hours.

(c) Hay or straw packing materials may be imported without other restriction if a certificate of the shipper appears on the consular invoice showing that such packing material was obtained from a disinfecting station, the methods of disinfection at which have been approved by the United States Department of Agriculture, and giving the names of the said disinfecting station and the factory or establishment where the merchandise covered by the invoice was packed: *Provided, however,* That in the case of goods unaccompanied by a consular invoice a like certificate appearing on the commercial invoice will be acceptable.

§ 95.22 *Hay and straw; importations permitted subject to restrictions.* Except as provided in § 95.28, hay or straw which does not meet the conditions or requirements of § 95.21 shall be handled and treated in the following manner upon arrival at the port of entry:

(a) Hay or straw packing materials shall be burned or disinfected at the expense of the importer or consignee in the manner and at the time directed by the Director of Division.

(b) Hay or straw for use as feeding material, bedding, or similar purposes shall be stored and held in quarantine for a period of not less than 90 days in an approved warehouse at the port of entry and shall be otherwise handled as directed by the Director of Division.

§ 95.23 *Previously used meat covers; importations permitted subject to restrictions.* Cloth or burlap which has been used to cover fresh or frozen meats originating in any country designated in § 94.1 of this subchapter as a country in which rinderpest or foot-and-mouth disease exists, shall not be imported except under the following conditions:

(a) The cloth or burlap shall be consigned from the coast or border port of arrival to an establishment specifically approved for the purpose by the Director of the Division.

(b) The cloth or burlap shall be immediately moved from the coast or border port of arrival, or in case of I. T. or in-bond shipments from the interior port, to the establishment, in railroad cars or trucks, or in vessel compartments, with no other material contained therein, sealed with seals of the Department, which shall not be broken except by inspectors or other persons authorized by the Director of Division: *Provided, however,* That upon permission of the Director of Division, such cloth or burlap may be stored for a temporary period in approved warehouses at the port of ar-

rival under bond and under the supervision of an inspector.

(c) The material shall be disinfected and otherwise handled at the establishment under the direction of an inspector in a manner approved by the Director of Division to guard against the dissemination of foot-and-mouth disease and rinderpest, and the material shall not be removed therefrom, except upon special permission of the Director of Division, until all of the conditions and requirements of this section have been complied with.

§ 95.24 *Methods for disinfection of hides, skins, and other materials.* Hides, skins, and other materials required by the regulations in this part to be disinfected shall be subjected to disinfection by methods found satisfactory and approved from time to time by the Director of Division.

§ 95.25 *Transportation of restricted import products; placarding cars and marking billing; unloading enroute.* (a) Transportation companies or other operators of cars, trucks or other vehicles carrying import products or materials moving under restriction, other than those in tight cases or casks, shall affix to and maintain on both sides of all such vehicles durable placards not less than 5½ by 6 inches in size, on which shall be printed with permanent black ink and in boldface letters not less than 1½ inches in height the words "Restricted import product." These placards shall also bear the words "Clean and disinfect this car or truck." Each of the waybills, conductors' manifests, memoranda, and bills of lading pertaining to such shipments shall have the words "Restricted import product, clean and disinfect car or truck," plainly written or stamped upon its face. If for any reason the placards required by this section have not been affixed to each car, or the billing has not been marked by the initial or the connecting carrier, or the placards have been removed, destroyed, or rendered illegible, the placards shall be immediately affixed or replaced and the billing marked by the initial or connecting carrier, the intention being that the billing accompanying the shipment shall be marked and each car, truck or other vehicle placarded as specified in this section from the time such shipment leaves the port of entry until it is unloaded at final destination and the cars, trucks or other vehicles are cleaned and disinfected as required by § 95.26.

(b) If it is necessary to unload enroute any of the materials or products transported in a placarded car, truck or other vehicle as provided in this section, the car, truck or other vehicle from which the transfer is made and any part of the premises in or upon which the product or material may have been placed in the course of unloading or reloading shall be cleaned and disinfected by the carrier, in accordance with the provisions of § 95.26, and the said carrier shall immediately report the matter, by telegraph, to the Director of the Animal Inspection and Quarantine Division, Washington 25, D. C. Such report shall include the following information: Nature of emergency; place where product

or material was unloaded; original points of shipment and destination; number and initials of the original car or truck; and number and initials of the car, truck or other vehicle into which the product or material is reloaded in case the original car or truck is not used.

§ 95.26 *Cars, other vehicles, boats, yards, and premises; cleaning and disinfection.* Cars, other vehicles, boats, yards, and premises which have been used in the transportation, handling, or storing of restricted import products or materials, other than those contained in tight cases or casks, shall be cleaned and disinfected under the supervision of the Division at the time and in the manner provided in this section. Except as provided in paragraph (a) of this section, such cars, other vehicles, and boats shall not be moved in interstate or foreign commerce until they have been so treated.

(a) *Cars to be cleaned and disinfected by final carrier at destination.* Cars required by this part to be cleaned and disinfected shall be so treated by the final carrier at destination as soon as possible after unloading and before the same are moved from such final destination for any purpose: *Provided, however,* That when the products or materials are destined to points at which an inspector or other duly authorized representative of the Division is not maintained or where proper facilities cannot be provided, the transportation company shall seal, bill, and forward the cars in which the products or materials were transported to a point to be agreed upon between the transportation company and the Division, and the transportation company shall there clean and disinfect the said cars under the supervision of the Division.

(b) *Methods of cleaning and disinfection.* (1) Cars, trucks, and other vehicles required by this part to be cleaned and disinfected shall be treated in the following manner: Collect all litter and other refuse therefrom and destroy by burning or other approved method, clean the exterior and interior of the cars or trucks, and saturate the entire interior surface with a permitted disinfectant.

(2) Boats required by this part to be cleaned and disinfected shall be treated in the following manner: Collect all litter and other refuse from the decks, compartment, and all other parts of the boat used for the transportation of the products or materials covered by this part, and from the portable chutes or other appliances or fixtures used in loading and unloading same, and destroy the litter and other refuse by burning or by other approved methods, and saturate the entire surface of the said decks, compartments, and other parts of the boat with a permitted disinfectant.

(3) Buildings, sheds, and premises required by this part to be disinfected shall be treated in the following manner: Collect all litter and other refuse therefrom and destroy the same by burning or other approved methods, and saturate the entire surface of the fencing, chutes, floors, walls, and other parts with a permitted disinfectant.

(c) *Permitted disinfectant.* The disinfectant permitted for use in disinfecting cars, other vehicles, boats, yards, and premises against infection of foot-and-mouth disease and rinderpest is a freshly prepared solution containing not less than one pound avoirdupois of sodium hydroxide of not less than 95 percent purity to each 6 gallons of water. Commercial grades of sodium hydroxide (caustic soda) of less than 95 percent purity or commercial concentrated solutions of caustic soda may be employed, provided that in either case a sufficient quantity be used to insure that the content of the solution in actual sodium hydroxide shall be not less than one pound avoirdupois in each 6 gallons of solution.²

(d) *Permitted disinfectants against ticks.* The disinfectants permitted for use against tick infestation are liquefied phenol (U. S. P. strength 87 percent phenol) in the proportion of at least 6 fluid ounces to one gallon of water; or chlorinated lime (U. S. P. strength 30 percent available chlorine) in the proportion of one pound to three gallons of water; or any one of the cresylic disinfectants permitted by the Agricultural Research Service in the proportion of at least four fluid ounces to one gallon of water; or through application of boiling water if the treatment is against rinderpest or foot-and-mouth disease and tick infestation; or other disinfectants or treatments approved by the Director of Division.

§ 95.27 *Regulations applicable to products from Territorial possessions.* The regulations in this part shall be applicable to all the products and materials specified in this part which are offered for entry into the United States from any place under the jurisdiction of the United States to which the animal-quarantine laws of this country do not apply.

§ 95.28 *Hay or straw, and similar material from tick-infested areas.* Hay or straw, grass, or similar material from tick-infested pastures, ranges, or premises may disseminate the contagion of splenic, Southern or Texas fever when imported for animal feed or bedding; therefore, such hay or straw, grass, or similar material shall not be imported unless such material is first disinfected with a disinfectant specified in § 95.26 (d).

PART 96—RESTRICTION OF IMPORTATIONS OF FOREIGN ANIMAL CASINGS OFFERED FOR ENTRY INTO THE UNITED STATES

Sec.	
96.1	Form of certificate.
96.2	Uncertified animal casings; disposition.
96.3	Instructions regarding handling certified animal casings.
96.4	Certificate; signature and title of issuing foreign official.
96.5	Certified foreign animal casings arriving at seaboard or border port.
96.6	Dried bladders, weasands, and casings.
96.7	Uncertified casings; disinfection at seaboard port.

² CAUTION: Great care is necessary in handling sodium hydroxide, as it rapidly destroys organic tissues.

Sec.	
96.8	Casings admitted on disinfection; sealing; transfer and disinfection.
96.9	Uncertified casings; transportation for disinfection; original shipping containers; disposition of salt.
96.10	Disinfecting plant and equipment for uncertified casings.
96.11	Uncertified casings not disinfected in 30 days; disposition.
96.12	Uncertified casings; disinfection with hydrochloric acid.
96.13	Uncertified casings; disinfection with saturated brine solution.
96.14	Common carriers; marking papers.
96.15	Form for reporting release.

AUTHORITY: §§ 96.1 to 96.15 issued under sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111.

§ 96.1 *Form of certificate.* It is hereby ordered that no animal casings shall be admitted into the United States from any foreign country unless and until they are accompanied by a certificate bearing the signature of the national Government official having jurisdiction over the health of animals in the country in which the casings originated. The certificate shall be in the following form:

FOREIGN OFFICIAL CERTIFICATE FOR ANIMAL CASINGS

Place ----- Date -----
(City) (Country)

I hereby certify that the animal casings herein described were derived from healthy animals (cattle, sheep, swine, or goats), which received, ante mortem and post mortem veterinary inspections at the time of slaughter, are clean and sound, and were prepared and handled only in a sanitary manner and were not subjected to contagion prior to exportation.

Kind of casings	Number of packages	Weight
-----	-----	-----
Identification marks on the packages -----		
Consignor -----		
(Address) -----		
Consignee -----		
(Destination) -----		
Shipping marks -----		
(Signature) -----		
(Official title) -----		
(Signature) -----		
(Official of the national government having jurisdiction over the health of animals in the country in which the casings originated) -----		
(Official title) -----		

§ 96.2 *Uncertified animal casings; disposition.* Animal casings which are unaccompanied by the required certificate, those shipped in sheepskins or other skins as containers, and those found upon inspection to be unclean or unsound when offered for importation into the United States shall be kept in customs custody until exported or destroyed, or until disinfected and denatured as prescribed by the Director of the Animal Inspection and Quarantine Division in §§ 96.3-96.15.

§ 96.3 *Instructions regarding handling certified animal casings.* A certificate in the English language and exact form prescribed in § 96.1 duly executed shall accompany each consignment of animal casings offered for importation into the United States.

(a) The certificate shall bear the signature of the national government

official having jurisdiction over the health of animals in the country in which the casings originate. The national government official referred to in this part shall be construed to mean the official whose jurisdiction with respect to the health of animals in the foreign country is comparable to the jurisdiction of the Secretary of the United States Department of Agriculture in the United States. It should be understood that the intention is to place responsibility for issuance of the certificate upon the foreign government through its appropriate high official. The affixing of the high official's signature on the certificate may be accomplished to the satisfaction of the Department of Agriculture through printing the said official's signature in the appropriate space on the certificate at the time the certificate is printed. The other signature appearing on the certificate should be the autograph signature of the "official issuing the certificate," who may be any person authorized by the high national official to issue such certificate. The certificate shall bear the insignia of the national government of the foreign country in which the casings originate or other evidence showing that it is a national document of that country.

(b) Animal casings are not classed as meat product, therefore the certificate required for foreign meat product is not acceptable for animal casings offered for importation.

(c) Casings offered for importation into the United States shall remain in customs custody at the port until released by an inspector of the Animal Inspection and Quarantine Division for admission into the United States or otherwise disposed of as required by this part.

(d) The provision that under certain conditions casings which have been offered for importation shall be exported, shall be construed to mean the removal of the casings from the United States or its possessions.

(1) The provision that under certain conditions casings be destroyed shall be construed to mean the treatment or handling of the casings in a manner to take away completely the usefulness of them as by tanning or incineration.

(2) The provision that under certain conditions casings shall be disinfected and denatured shall be construed to mean such treatment and handling as will be prescribed by the Director of Division to free them from pathogenic substances or organisms, or to render such substances and organisms inert; and that the nature of the casings be changed to make them unfit for eating without destroying other useful properties. For instance, each casing may be split throughout its length and after disinfection, as above indicated, be released for industrial use.

(e) Dried intestines offered for importation into the United States for use as gut strings or similar purpose are not regarded as animal casings within the meaning of this part. Such dried intestines are classed with tendons, sinews, and similar articles and are subject to the provisions of Part 95.

§ 96.4 *Certificate; signature and title of issuing foreign official.* The signature

and title of the high official of the national government having jurisdiction over the health of animals in foreign countries are acceptable when printed in the appropriate space on the certificate.

§ 96.5 Certified foreign animal casings arriving at seaboard or border port. (a) Properly certified foreign animal casings arriving in the United States at a seaboard or border port where an inspector of the Division is stationed shall be released for entry by the inspector at the seaboard or border port.

(b) Properly certified foreign animal casings arriving in the United States at a seaboard or border port where no inspector of the Division is stationed, which are destined to a point in the United States where an inspector of the Division is stationed, shall be shipped in United States Customs custody to destination for release.

(c) Properly certified foreign animal casings arriving in the United States at a seaboard or border port where no inspector of the Division is stationed, which are destined to a point in the United States where no inspector of the Division is stationed, shall be transported in United States Customs custody to the nearest point where an inspector of the Division is stationed for release at that point.

(d) Properly certified foreign animal casings forming a part of a foreign meat consignment routed through a border port to an interior point in the United States shall be transported to destination as though the entire consignment consisted of meat. In such cases the inspector of the Division who inspects the meat at destination shall supervise the release of the casings.

§ 96.6 Dried bladders, weasands, and casings. Dried animal bladders, dried weasands, and all other dried animal casings offered for importation into the United States as food containers unaccompanied by foreign certification which have been retained in the dry state continuously for not less than 90 days from the date of shipment shown on the consular invoice, may be released for entry as food containers without disinfection.

§ 96.7 Uncertified casings; disinfection at seaboard port. Uncertified foreign animal casings arriving at a seaboard port may be imported into the United States for use as food containers after they have been disinfected under the direct supervision of an inspector of the Division at the seaboard port.

§ 96.8 Casings admitted on disinfection; sealing; transfer and disinfection. Foreign animal casings offered for importation into the United States which are admitted upon disinfection shall be handled as follows:

(a) The containers of such casings shall be sealed on the steamship pier or other place of first arrival. Four seals shall be affixed to both ends of each tierce, barrel, and similar container in the space where the ends of the container enter the staves, by means of red sealing wax imprinted with the No. 3 Division brass brand from which "INSPECTION" and the establishment number have been removed.

(b) Uncertified animal casings sealed as above indicated shall be transferred from the steamship pier or other place of first arrival to the premises of the importer or other designated place, where they shall be disinfected by the importer under the supervision of an inspector of the Division before they are offered for sale. The object of this ruling is to place full responsibility for disinfection of casings on the original importer and to prevent the sale of casings subject to disinfection by the purchaser.

§ 96.9 Uncertified casings; transportation for disinfection; original shipping containers; disposition of salt. (a) Foreign animal casings arriving in the United States without certification may be forwarded in customs custody to Buffalo, N. Y., Chicago, Ill., Cleveland, Ohio, or South Omaha, Nebr., for disinfection under Division supervision and release by the customs authorities in these cities, provided that before being transported over land in the United States each and every container of such casings shall be disinfected by the application of a solution of sodium hydroxide prepared as follows:

(1) Add two pounds of 95 percent to 98 percent sodium hydroxide (commercial "76 percent caustic soda") to each ten gallons of water and stir until solution is complete.

(2) This solution shall be thoroughly applied to all exterior surfaces of the containers and be allowed to remain for at least thirty minutes to accomplish disinfection. The containers should then be washed with water to remove the caustic soda which otherwise might cause injury to the handlers of the packages.

(b) When uncertified foreign casings are removed from the original shipping containers these containers shall be destroyed by burning or promptly and thoroughly disinfected both inside and out with the solution and in the manner above prescribed. If these containers are to be re-used it is important that they be thoroughly washed both inside and out with water after disinfection has been completed, and in order to insure against the injurious effect of caustic soda remaining in the wood it is advisable to allow the containers to stand for not less than six hours filled with water.

(c) The salt removed from all original shipping containers of uncertified foreign animal casings shall be immediately dissolved in water and heated to boiling, or disposed of as provided in subparagraph (1) or (2) of this section as follows:

(1) Dissolve the salt in the proportion of 90 pounds of salt to 100 gallons of water. Add 2½ gallons of C. P. hydrochloric acid containing not less than 35 percent actual HCl; mix thoroughly and allow the solution to stand for at least thirty minutes. The finished solution must contain not less than 1 percent actual hydrochloric acid. (This solution may be utilized in the disinfection of casings as prescribed in § 96.12.)

(2) Dissolve the salt in the proportion of 90 pounds of salt to 100 gallons of water. Add 20 pounds of 95 percent to 98 percent sodium hydroxide (commercial "76 percent caustic soda") and stir

until solution is complete; and allow it to stand for at least 30 minutes. (This solution may be utilized in the disinfection of casing containers as prescribed in paragraphs (a) (2) and (b) of this section.)

(3) It is best to employ flaked caustic soda and not the variety which is very finely powdered. The fine powder is irritating and injurious to workers if it becomes suspended in the air. Containers of caustic soda should be kept tightly closed as the product deteriorates from contact with the air.

§ 96.10 Disinfecting plant and equipment for uncertified casings. Uncertified foreign animal casings shall be disinfected only at a plant whose sanitation and disinfecting equipment have been approved by an inspector of the Division.

§ 96.11 Uncertified casings not disinfected in 30 days; disposition. Foreign animal casings offered for importation without certification shall be disinfected as prescribed in § 96.12 within a period of 30 days after arrival in the United States, subject to the ability of Division inspectors to cover their respective districts. Otherwise such casings shall be exported or destroyed.

§ 96.12 Uncertified casings; disinfection with hydrochloric acid. Foreign animal casings offered for importation into the United States without certification may be disinfected, as prescribed in this section, under the supervision of a Division inspector for use as food containers, as an alternative for foreign certification.

(a) Disinfect the casings in a solution made as follows: Dissolve 90 pounds common salt in 100 gallons water and mix. Add 2½ gallons (10.35 liters) C. P. hydrochloric acid containing not less than 35 percent actual HCl and mix thoroughly. The finished solution must contain not less than 1 percent actual hydrochloric acid.

(b) Containers of the disinfectant solution may be either of wood or of metal, but the interior surfaces must be protected by means of an acid resistant coating.

(c) Not more than 175 pounds casings shall be treated with each 100 gallons of the solution. After the treatment of 175 pounds of casings, or at the end of the day if less than 175 pounds of casings are disinfected in any one day, the solution shall be discarded unless means are provided for accurately determining the loss of strength. In event means for accurately determining loss of strength are provided it will be permissible to restore the strength of the solution with fresh acid and use it repeatedly.

(d) Shake as much of the adherent salt as possible from the casings and weigh them. Bundles must be separated but individual hanks need not be untied. Place the casings in the disinfecting solution a few hanks at a time with vigorous agitation to insure the fullest possible contact of the solution with them. Then keep the casings completely submerged in the solution for not less than three-fourths of an hour.

(c) Remove the casings from the solution, rinse them with water, and place them in a solution containing 8½ pounds of sodium bicarbonate in each 100 gallons of water. 100 gallons of this solution is sufficient for 175 pounds of casings. Keep the casings in this solution for 30 minutes, moving them about frequently and vigorously so as to insure complete contact of the solution with the casings. After this neutralization, remove the casings from the sodium bicarbonate solution and wash them to remove the excess of bicarbonate.

§ 96.13 *Uncertified casings; disinfection with saturated brine solution.* Foreign animal casings offered for importation into the United States upon disinfection, may either be disinfected with hydrochloric acid as at present or if preferred may be submerged in a saturated brine solution at a temperature not less than 127° F. for at least 15 minutes. The time held as well as the temperature of such brine solution must be recorded on a one-hour dial of a recording thermometer and filed in the local Division office for official inspection at any time. In order that this required temperature may be more readily maintained, such casings must first be submerged in a brine solution at approximately 127° F. for about five minutes immediately before the 15-minute recorded submersion period begins. This may be done either in the testing vat or a preliminary vat. By following this procedure the temperature will not vary unduly and thus cause unsatisfactory results. After removing the casings from the testing vat, it will be found advantageous to submerge them in another vat containing cold brine solution or cold water in order to remove the extra heat from the casings as promptly as possible, but of course this is optional with the importer. In order to obtain the most satisfactory results, the hanks, rings, and similar units must be separated as much as possible without untying, but "dolls" will not be permitted to be disinfected by this heating method. In order to keep the temperature of the brine in the testing vat of a uniform degree, it is necessary to agitate the solution occasionally by moving the casings. The tip of the recording thermometer should be located at a point which would be approximately at the bottom of the volume of casings being disinfected.

§ 96.14 *Common carriers; marking papers.* Railroad companies, express companies, and other common carriers transporting foreign animal casings which have been released for entry shall mark the transportation papers accompanying the casings with the statement "Released by U. S. Customs."

§ 96.15 *Form for reporting release.* MI Form 109-L, reporting the release of foreign animal casings, should be prepared in triplicate, the original copy, with foreign official certificate attached, shall be forwarded to Washington, the duplicate copy to the collector of customs at port of entry, and the triplicate copy retained for the station records.

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Sec.

97.1 Overtime work at border ports, sea-ports, and airports.

97.2 Administrative instructions prescribing commuted travel time.

AUTHORITY: §§ 97.1 and 97.2 issued under 64 Stat. 561; 5 U. S. C. 576.

§ 97.1 *Overtime work at border ports, seaport, and airports.* Any person, firm, or corporation having ownership, custody or control of animals, animal by-products, or other commodities subject to inspection, certification, or quarantine under this subchapter and Subchapter F of this chapter, and who requires the services of an employee of the Animal Inspection and Quarantine Division on a holiday, or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime request the Division inspector in charge to furnish inspection, certification or quarantine service during such overtime period and shall pay the Administrator of the Agricultural Research Service at the rate of \$5.40 per man hour per employee as follows: A minimum charge of two hours shall be made for any unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least one hour before his scheduled tour of duty or at least one hour after he has completed his scheduled tour of duty, and has left his place of employment. In addition, each such period of unscheduled overtime work which requires an employee to perform additional travel for which he would otherwise not be compensated, and each period of holiday duty, may include a commuted travel time period, not in excess of three hours. The amount of this period shall be prescribed in administrative instructions to be issued by the Director of the Animal Inspection and Quarantine Division for the ports, stations, and areas in which the employees are located, and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from such overtime duty if such travel is performed solely on account of such overtime duty. It will be administratively determined from time to time which days constitute holidays.

§ 97.2 *Administrative instructions prescribing commuted travel time.* Each period of overtime duty as prescribed in § 97.1 shall, in addition, include a commuted travel time period for the respective ports, stations, and areas in which employees are located, if such travel is performed solely on account of overtime or holiday service. The period of requested overtime outside of the regular tour of duty may necessitate the services of more than one employee or travel from another point, in which event the commuted travel period as illustrated in this section may differ depending upon the station from which the employee travels. The commuted travel time period for the respective ports stations and areas is as follows:

ONE HOUR

Albany, Vt. (served from St. Albans, Vt.).
Alexandria Bay, N. Y. (served from Clayton, N. Y.).
Brownsville, Tex.
Buffalo, N. Y.
Calxico, Calif. (served from El Centro, Calif.).
Champlain, N. Y.
Del Rio, Tex.
Derby Line, Vt. (served from Newport, Vt.).
Douglas, Ariz.
Eagle Pass, Tex.
El Paso, Tex.
Highgate Springs, Vt. (served from St. Albans, Vt.).
Hidalgo, Tex.
Houlton, Maine.
Houston, Tex.
Laredo, Tex.
Mobile, Ala.
Monticello, Maine (served from Houlton, Maine).
Moore's Junction, N. Y. (served from Champlain, N. Y.).
Morristown, N. Y. (served from Ogdensburg, N. Y.).
Naco, Ariz.
Newport, Vt.
Nogales, Ariz.
North Troy, Vt. (served from Newport, Vt.).
Noyes, Minn. (served from Pembina, N. Dak.).
Ogdensburg, N. Y.
Pembina, N. Dak.
Portal, N. Dak.
Presidio, Tex.
Port Huron, Mich.
Rio Grande, Tex.
Roma, Tex.
Rouses Point, N. Y. (served from Champlain, N. Y.).
San Juan, P. R.
San Luis, Ariz.
San Ysidro, Calif.
St. Albans, Vt.
Spokane, Wash.
Sweetgrass, Mont.
Yuma, Ariz.

TWO HOURS

Blaine, Wash. (served from Bellingham, Wash.).
Bridgewater, Maine (served from Houlton, Maine).
Galveston, Tex.
Honolulu, T. H.
Indianapolis, Ind.
Island Pond, Vt. (served from Newport, Vt.).
Jacksonville, Fla.
Lynden, Wash. (served from Bellingham, Wash.).
Miami, Fla.
Naco, Ariz. (served from Douglas, Ariz.).
Niagara Falls, N. Y. (served from Buffalo, N. Y.).
Norfolk-Newport News, Va.
Oroville, Wash. (served from Tonasket, Wash.).
Portland, Oreg.
Richford, Vt. (served from St. Albans, Vt.).
San Diego, Calif. (served from San Ysidro, Calif.).
St. Petersburg, Fla. (served from Tampa, Fla.).
Sumas, Wash. (served from Bellingham, Wash.).
Tacoma, Wash. (served from Olympia, Wash.).
Tampa, Fla.
Waddington, N. Y. (served from Ogdensburg, N. Y.).
Yuma, Ariz. (served from San Luis, Ariz.).

THREE HOURS

Antelope Wells, N. Mex. (served from El Paso, Tex.).
Baltimore, Md.

Beechers Falls, Vt. (served from Newport, Vt.).
 Boston, Mass.
 Calais, Maine (served from Houlton, Maine).
 Chateaugay, N. Y. (served from Champlain, N. Y.).
 Columbus, N. Mex. (served from El Paso, Tex.).
 Del Rio, Tex. (served from Eagle Pass, Tex.).
 Detroit, Mich.
 Eastport, Idaho (served from Spokane, Wash.).
 Eastport, Maine (served from Houlton, Maine).
 Fort Covington, N. Y. (served from Ogdensburg, N. Y.).
 Fort Fairfield, Maine (served from Houlton, Maine).
 Fort Kent, Maine (served from Houlton, Maine).
 Hidalgo, Tex. (served from Brownsville, Tex.).
 Hogsburg, N. Y. (served from Ogdensburg, N. Y.).
 Holey, Maine (served from Augusta, Maine).
 Jackman, Maine (served from Augusta, Maine).
 Laurier, Wash. (served from Tonasket, Wash.).
 Limestone, Maine (served from Houlton, Maine).
 Los Angeles, Calif.
 Madawaska, Maine (served from Houlton, Maine).
 Malone, N. Y. (served from Champlain, N. Y.).
 Newport News, Va. (served from Richmond, Va.).
 New Orleans, La.
 New York, N. Y.
 Nighthawk, Wash. (served from Tonasket, Wash.).
 Nogales, Ariz. (served from Tucson, Ariz.).
 Philadelphia, Pa.
 Port Hill, Idaho (served from Spokane, Wash.).
 Presidio, Tex. (served from El Paso, Tex.).
 Rio Grande City, Tex. (served from Brownsville, Tex.).
 Roma, Tex. (served from Brownsville, Tex.).
 Roosevelttown, N. Y. (served from Ogdensburg, N. Y.).
 San Francisco, Calif.
 Sault Ste. Marie, Mich. (served from Lansing, Mich.).
 Sasabe, Ariz. (served from Tucson, Ariz.).
 Seattle, Wash.
 Trout River, N. Y. (served from Champlain, N. Y.).
 Van Buren, Maine (served from Houlton, Maine).
 Vanceboro, Maine (served from Houlton, Maine).
 Wilmington, Del. (served from Phila., Pa.).

Subchapter E—Viruses, Serums, Toxins, and Analogous Products; Organisms and Vectors

PART 101—GENERAL PROVISIONS

§ 101.1 *Definitions.* The following words, when used in the regulations in Parts 101 through 122 of this subchapter, shall be construed, respectively, to mean:

(a) *Virus-Serum-Toxin Act.* The act of Congress of March 4, 1913, 37 Stat. 832-833, 21 U. S. C. 151-158.

(b) *Regulations.* The provisions in Parts 101 through 122 of this subchapter.

(c) *Biological products.* All viruses, serums, toxins, and analogous products, such as antitoxins, vaccines, tuberculin, malleins, live microorganisms, killed

microorganisms, and products of microorganisms, intended for use in the treatment of domestic animals, including the diagnosis or detection of diseases of such animals.

(d) *Organisms.* All cultures or collections of organisms or their derivatives, which may introduce or disseminate any contagious or infectious disease of animals (including poultry).

(e) *Vectors.* All animals (including poultry) such as mice, pigeons, guinea pigs, rats, ferrets, rabbits, chickens, dogs, and the like, which have been treated or inoculated with organisms, or which are diseased or infected with any contagious, infectious, or communicable disease of animals or poultry or which have been exposed to any such disease.

(f) *Domestic animals.* Domestic animals, including poultry.

(g) *Department.* The United States Department of Agriculture.

(h) *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(i) *Division.* The Animal Inspection and Quarantine Division of the Department.

(j) *Director.* The Director of the Division or any officer or employee of the Division to whom authority has heretofore lawfully been delegated, or may hereafter lawfully be delegated, to act in his stead.

(k)-(l) [Reserved].

(m) *Inspector.* Any officer or employee of the Division who is authorized by the Director to do any inspection work of the Division.

(n) *Veterinary inspector.* A graduate of a veterinary college accredited by the Civil Service Commission, who is duly appointed and assigned for duty in the Division as a veterinary virus-serum inspector or veterinarian.

(o) *Virus-serum inspector.* A layman appointed and trained to assist a veterinary inspector in the performance of his duties.

(p) *Person.* Any individual, firm, partnership, corporation, company, society, association, or other organized group of any of the foregoing, or any agent, officer, or employee of any thereof.

(q) *Licensed establishment.* An establishment operated by a person holding an unexpired, unsuspended, and unrevoked license issued by the Secretary for the preparation of any biological product under the regulations.

(r) *Licensee.* A person to whom a license to manufacture biological products has been issued under the regulations.

(s) *Permittee.* A person to whom a permit to import or transport biological products or organisms or vectors has been issued under the regulations.

(t) *Official station.* One or more licensed establishments included under a single supervisory unit.

(u) *Inspector in charge.* The veterinary inspector who is assigned by the

Director to supervise and perform official work at an official station and who reports directly to the Director.

(v) *Veterinary inspection.* An examination made by a veterinary inspector, assisted as needed by a virus-serum inspector, to determine the fitness of animals, establishments, facilities, and procedures used in connection with the preparation of biological products under the regulations.

(w) *Hog-cholera virus.* The clear serum, plasma, or defibrinated blood derived from pigs sick of hog cholera and free from other communicable disease or diseases.

(x) *Hyperimmunizing virus.* Virus prepared for injecting into immune hogs in the production of anti-hog-cholera serum.

(y) *Inoculating virus.* Virus prepared for injecting into pigs in the production of hog-cholera virus.

(z) *Simultaneous virus.* Virus prepared for injection along with anti-hog-cholera serum in the immunization of hogs against hog cholera.

(aa) *Anti-hog-cholera serum.* The clear serum, plasma, or other derivatives of hyperimmune blood, containing the protective substances, derived from immune hogs which have been hyperimmunized by intravenous injection with hog-cholera virus, or antibodies concentrated therefrom. Such concentrated antibodies are referred to as hog-cholera antibody-concentrate.

(bb) *Immediate or true container.* The unit, bottle, vial, ampul, tube, or other receptacle in which any biological product is customarily distributed.

(cc) *Batch.* The quantity of a biological product thoroughly mixed in a single container and properly identified. (For special definition of "batch" as used in § 119.23, see § 119.23 (a) (10) of this chapter.)

(dd) *Serial number.* The number given each batch of a biological product by the manufacturer to identify the batch with his records of production thereof.

(ee) *Expiration date.* The date placed upon labels affixed to or used in connection with immediate or true containers of biological products by manufacturers thereof to indicate the limit of time during which the manufacturer estimates said products will retain their full strength or potency, when properly stored and handled.

(ff) *"U. S. Released."* Term used in marking a biological product to show that it has been prepared and tested in accordance with the regulations and has been found not to be worthless, contaminated, dangerous, or harmful.

(gg) *Day.* Time elapsing between any regular working hour of one day and any regular working hour of the following day.

(hh) *"Division lock."* A Division lock or seal or both as the inspector in charge may require.

CROSS REFERENCE: For other definitions, see § 119.23 of this chapter.

(Sec. 2, 32 Stat. 792, as amended, 37 Stat. 832-833; 21 U. S. C. 111, 151-158)

PART 102—LICENSES AND PERMITS TO IMPORT BIOLOGICAL PRODUCTS

LICENSES

Sec.	
102.1	Licenses required.
102.2	Biological products; preparing and handling.
102.3	License application.
102.4	Licenses: issuance, number, and form.
102.5	Biological products; preparation by another licensee.
102.6	Separation of establishments.
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102.8	Instructions to licensee; products not prepared under license.

IMPORT PERMITS FOR BIOLOGICAL PRODUCTS

102.26	Import permits required.
102.27	Application for import permit; requirements.
102.28	Import permits; number, form, and termination.

SUSPENSION OR REVOCATION OF LICENSES AND PERMITS; NOTICES RE DANGEROUS PRODUCTS

102.51	Suspension or revocation.
102.52	Notices re dangerous biological products.

ASSIGNMENT OF INSPECTORS AND FACILITIES

102.76	Inspections of licensed establishments.
102.77	Facilities.
102.78	Overtime work at licensed establishments.

AUTHORITY: §§ 102.1 to 102.78 issued under 37 Stat. 832-833; 21 U. S. C. 151-158.

LICENSES

§ 102.1 *Licenses required.* Every person operating an establishment in the United States in which any biological product is prepared for sale, barter, or exchange in the District of Columbia or in any Territory of, or place under the jurisdiction of, the United States, or for shipment or delivery for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, shall hold an unexpired, unsuspended, and unrevoked license issued by the Secretary, and shall have inspection as provided by the regulations.

§ 102.2 *Biological products; preparing and handling.* All biological products produced in each licensed establishment shall be prepared, handled, stored, marked, received for transportation, and transported as required by the regulations.

§ 102.3 *License application.* (a) The operator of each establishment of the kind specified in § 102.1 shall make application in writing to the Secretary for a license. When a person conducts more than one establishment, a separate application shall be made for a license for each establishment. Whenever subsidiaries are to operate in an establishment for which license application is made, the applicant shall apply for permission for such subsidiaries to operate in the establishment and further therewith a complete statement regarding the relationship between the applicant and the subsidiaries. Blank forms of application will be furnished upon request to the Animal Inspection and Quarantine Division, Washington, D. C.

(b) Triplicate copies of plans, properly drawn to scale, and of specifications,

including plumbing, drainage, and sewage disposal of establishments, together with information regarding all claims to be made on labels and in advertising matter to be used in connection with or relating to all biological products prepared therein, shall accompany the application for a license, unless such plans, specifications, and information have already been furnished.

(c) In case of change of ownership, operation, or location of an establishment while an application is pending, or after a license has been issued, a new application shall be made.

§ 102.4 *Licenses; issuance, number, and form.* (a) Before a license will be issued by the Secretary for any establishment, an inspection shall be made to determine whether the condition, equipment, facilities, and the like, of the establishment, and its methods of preparing, handling, and storing biological products are in conformity with the requirements of the regulations. A license will not be issued unless (1) in the opinion of the Director, the condition of the establishment and the methods of preparation of biological products are such as reasonably to insure that the products will accomplish the object for which they are intended, and that they are not worthless, contaminated, dangerous, or harmful, (2) the establishment is to be operated under the direct supervision of a person competent, in the opinion of the Director, by education and experience, to handle all matters pertaining to the disease involved and the preparation and testing of the biological products named in the application, and (3) written assurance is filed with the Division that the products for which the license is to be issued will not be so advertised as to mislead or deceive the purchaser and that the packages or containers in which the same are to be marketed will not bear any statement, design, or device which is false or misleading in any particular.

(b) Licenses shall be numbered and shall be in the following form:

UNITED STATES VETERINARY LICENSE NO. -----
BIOLOGICAL PRODUCTS
Washington, D. C., -----

This is to certify that, pursuant to the terms of the act of Congress approved March 4, 1913 (37 Stat. 832), governing the preparation, sale, barter, exchange, shipment, and importation of viruses, serums, toxins, and analogous products intended for use in the treatment of domestic animals, ----- is hereby licensed to maintain at ----- an establishment for the preparation of ----- / This license is subject to termination as provided in the regulations made under the authority contained in said act, and to suspension or revocation if the licensee violates or fails to comply with said act or the regulations made thereunder.

Countersigned: _____
Secretary of Agriculture

Director, Animal Inspection and Quarantine Division

(c) Two or more licenses may bear the same number when they are issued for establishments under the same ownership or control, provided a serial letter is added in each case to identify each li-

cense and the products produced thereunder.

(d) When a license is issued for an establishment it shall not apply to more than one person at the same location, except that subsidiaries of the licensee, when named in the license, may operate thereunder at the establishment named. The licensee with its subsidiaries will be held responsible for all operations conducted in the licensed establishment.

(e) As of November 1 of each year or whenever requested by the Director, each licensee shall submit, through the office of the inspector in charge, a list of biological products with all their forms which are to be continued in production. Should the licensee discontinue production of some of the biological products named in his licenses, he shall return to the Division for termination all outstanding licenses covering such products, with a list of products with all their forms which he will continue to produce. Whenever a number of licenses issued at different times are outstanding they shall be returned to the Director at his request for consolidation.

(f) Every license outstanding on the effective date of the regulations which is in conflict therewith shall be returned for termination, with an application for a new license.

§ 102.5 *Biological products; preparation by another licensee.* No biological products authorized to be prepared in a licensed establishment shall be prepared in whole or in part by any other licensed establishment unless authorized in advance by the Director.

§ 102.6 *Separation of establishments.* Each licensed establishment shall be separate and distinct from any unlicensed establishment in which any biological product is prepared or handled.

§ 102.7 *Special licenses.* (a) Special licenses may be issued in particular cases for preparation of a biological product when, in the opinion of the Director, the laboratory and other research data and other information available with respect to the product show that the product has value in the treatment of domestic animals but that the results of its use under a larger variety of conditions should be further evaluated prior to release under a regular license. A special license for such a product may include any or all of the following requirements as may be prescribed by the Director to protect the livestock industry or other segments of the public:

(1) The product shall be prepared under Division inspection and tested in such manner as may be administratively determined by the Director.

(2) The applicant for a license shall currently file with the Director a statement of the substance of all claims proposed to be made for the product at any time while the product is under special license, and the product shall be recommended for use only under such conditions as the Director deems warranted by the laboratory and other research data and other information currently available concerning it.

(3) Where the nature of the product so requires for the protection of the pub-

lic, the product shall be recommended for use only by trained personnel.

(4) No change shall be made in the composition or method of preparation of the product without prior approval of the Director.

(5) The licensee shall distribute the product in any State or other jurisdiction only in accordance with the requirements of such State or other jurisdiction.

(6) The licensee shall request the handlers to whom he distributes the product to (i) keep complete records showing the name and address of each purchaser of the product and the name, serial number and quantity of the product sold to such purchaser; (ii) furnish to each veterinarian, animal owner, or other person using the product, a report form, approved by the Division, which shall contain blank spaces for stating pertinent information concerning the results obtained from use of the product; and (iii) request users of the product to complete and return the report form to an official of the Department specified by the Director.

(b) Special licenses may include such other requirements as the Director may impose to protect the livestock industry and other segments of the public when the Director finds that adequate protection thereof will not be afforded by the requirements set forth in paragraph (a) of this section.

(c) Notice of all requirements to be imposed under paragraph (a) or paragraph (b) of this section shall be given to the applicant for license for any product under the act as soon as possible after it is determined that such product may be licensed only under special license, and the applicant shall be afforded an opportunity to present his views with respect to such requirements.

(d) Each applicant for a special license shall furnish all information required by other provisions of the regulations in this subchapter, and all provisions of such regulations in terms applicable to a product for which a special license has been or is to be issued shall apply to such product, except insofar as such provisions are inconsistent with any requirement under this section.

(e) Each applicant for a special license shall agree to distribute the product to be covered by the license only for such use as may be authorized under the license.

(f) Violation of any of the conditions of a special license shall constitute a violation of this section and may be grounds for suspension or revocation of the special license under § 102.51.

(g) Special licenses shall be converted to regular licenses as soon as field data and other available information justify the change.

§ 102.8 *Instructions to licensee; products not prepared under license.* When a license is issued, the inspector in charge shall furnish the licensee with a copy of the regulations. If the licensee, at the time the license is issued, has in the establishment any biological products which have not theretofore been prepared, and the containers of which have not theretofore been marked, in compliance with the regulations, the

identity of the products shall be maintained, and they shall not be shipped or delivered for shipment from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia, or otherwise dealt with as products prepared under the regulations. The licensee shall adopt and enforce all necessary measures and shall comply with all such directions as the Director may prescribe for carrying out the regulations. It shall be the responsibility of the licensee, irrespective of Division supervision, so to prepare and test each biological product, as set forth in the regulations, that it will not be worthless, contaminated, dangerous, or harmful.

IMPORT PERMITS FOR BIOLOGICAL PRODUCTS

§ 102.26 *Import permits required.* Each person importing biological products shall hold an unexpired, unsuspended, and unrevoked permit issued by the Secretary.

§ 102.27 *Application for import permit; requirements.* (a) Each person desiring to import biological products shall make application in writing to the Secretary for a permit. The application shall specify the port or ports of entry at which the imported products will be cleared through the customs. Blank forms of application will be furnished upon request addressed to the Animal Inspection and Quarantine Division, Washington, D. C.

(b) Each application for a permit shall be accompanied by the affidavit of the actual manufacturer presented before an American consular officer, giving the name of the country, and the city, town or other location, where the biological products named therein are prepared, stating that said products are not worthless, contaminated, dangerous, or harmful, and stating whether the products were derived from animals, and, if so derived, the name of the species, and that such animals have not been exposed to any infectious or contagious disease, except as may have been essential in the preparation of the products and as specified in the affidavit.

(c) Each application for a permit shall be accompanied by the written consent of the actual manufacturer that properly accredited employees of the Department shall have the privilege of inspecting, without previous notification, and at such times as may be demanded by the aforesaid employees, all parts of the establishment at which such biological products were prepared, all processes of preparation, and all records relative to the preparation of such products.

(d) Each application for a permit shall be accompanied by information regarding all claims to be made on labels and in advertising matter used in connection with or related to the biological products to be imported, and a description of the methods of producing and testing the products used by the manufacturer. A permit will not be issued for the importation of any biological product unless written assurance is furnished that the product will not be so advertised as to mislead or deceive the purchaser, and that the package or container in which the same is intended to be sold, bartered,

exchanged, shipped, or imported will bear or contain no statement, design, or device which is false or misleading in any particular, and unless the product meets the applicable requirements of the regulations in Part 112 of this subchapter.

§ 102.28 *Import permits; number, form, and termination.* Permits shall be numbered and shall be in the following form:

UNITED STATES VETERINARY PERMIT NO. -----

BIOLOGICAL PRODUCTS

Washington, D. C., -----

This is to certify that, pursuant to the terms of the act of Congress approved March 4, 1913 (37 Stat. 832), governing the preparation, sale, barter, exchange, shipment, and importation of viruses, serums, toxins, and analogous products intended for use in the treatment of domestic animals, -----

State of -----, is hereby authorized, so far as the jurisdiction of the United States Department of Agriculture is concerned, to import -----, of -----, into the United States through the port of ----- during the calendar year of -----.

This permit is subject to suspension or revocation if the permittee violates or fails to comply with said act or the regulations made thereunder.

Secretary of Agriculture

Countersigned:

Director, Animal Inspection and Quarantine Division

Each permit shall terminate at the end of the calendar year for which it is issued.

SUSPENSION OR REVOCATION OF LICENSES AND PERMITS; NOTICES RE DANGEROUS PRODUCTS

§ 102.51 *Suspension or revocation.* (a) A license or permit issued under the Virus-Serum-Toxin Act may be formally suspended or revoked after opportunity for hearing has been accorded the licensee or permittee as provided in Part 123 of this subchapter, if the Secretary is satisfied that the license or permit is being used to facilitate or effect the preparation, sale, barter, exchange, shipment, or importation contrary to said act of any worthless, contaminated, dangerous, or harmful biological product. Such use may be found to exist if:

(1) The construction of the establishment in which the biological product is prepared is defective, or the establishment is not conducted as required by the regulations;

(2) The methods of preparation of the product are faulty, or the product contains impurities or lacks potency;

(3) The product is so labeled or advertised as to mislead or deceive the purchaser in any particular;

(4) The licensee or permittee has violated or failed to comply with any provision of the Virus-Serum-Toxin Act or the regulations;

(5) The license or permit is otherwise used to facilitate or effect the preparation, sale, barter, exchange, shipment, or importation, contrary to the Virus-Serum-Toxin Act, of any worthless, contaminated, dangerous, or harmful biological product.

(b) In case of willfulness or where the public health, interest, or safety so requires, however, the Secretary may without hearing informally suspend such license or permit upon the grounds set forth in paragraph (a) of this section pending determination of formal proceedings under Part 123 of this subchapter for suspension or revocation of the license or permit.

§ 102.52 *Notices re dangerous biological products.* If at any time it appears that the preparation, sale, barter, exchange, shipment, or importation, as provided in the Virus-Serum-Toxin Act, of any biological product by any person holding a license or permit may be dangerous in the treatment of domestic animals, the Secretary may without hearing notify the licensee or permittee, and pending determination of formal proceedings instituted under Part 123 of this subchapter for suspension or revocation of the license or permit insofar as it authorizes the manufacture or importation of the particular product, no person so notified shall thereafter so prepare, sell, barter, exchange, ship, deliver for shipment, or import such product.

ASSIGNMENT OF INSPECTORS AND FACILITIES

§ 102.76 *Inspections of licensed establishments.* (a) Any inspector shall be permitted to enter any establishment licensed under the regulations at any hour during the day or night, and such inspector shall be permitted to inspect, without previous notification, the entire premises of the establishment, including all buildings, compartments, and other places, all biological products, and organisms and vectors in the establishment, and all equipment, such as chemicals, instruments, apparatus, and the like, and the methods used in the manufacture of, and all records maintained relative to, biological products at such establishment.

(b) Each inspector will be furnished with a numbered official badge, which he shall not allow to leave his possession. This badge shall be sufficient identification to entitle him to admittance at all regular entrances and to all parts of the licensed establishment and premises and to any place at any time for the purpose of making an inspection pursuant to paragraph (a) of this section.

§ 102.77 *Facilities.* When required by the Director or the Inspector in charge, the following facilities, and such others as may be essential to efficient conduct of inspection, shall be provided in each licensed establishment.

(a) Satisfactory pens, equipment, and assistance for conducting tests required in accordance with the regulations in this subchapter;

(b) The following special facilities in establishments producing anti-hog-cholera serum and hog-cholera virus:

- (1) Separate laboratory rooms for serum and virus.
- (2) A separate room in which animals shall be washed and cleaned.
- (3) A separate room in which animals shall be finally prepared for bleeding or hyperimmunizing.
- (4) A separate room or adequate facilities for conducting autopsies.

(5) A separate room for preparation and mixing of biological products.

(6) A separate room for washing and sterilizing equipment.

(7) Clean cloths, which shall be kept damp when in use, to be used for covering virus pigs and final bleeders during all operations incident to the collection of blood, and

(8) Dust screens for all outside doors, openings, and unsealed windows;

(c) Suitable rooms and compartments in such places, and containers, and the like, in such numbers as may be necessary for holding biological products: *Provided*, That such rooms and compartments, and containers, and the like shall be capable of being secured under locks or seals furnished by the Division, and the keys of said locks shall not leave the custody of the inspectors;

(d) Suitable containers satisfactorily equipped for thoroughly mixing batches of all biological products; and

(e) Automatic recording thermometers or gages equipped for locking or sealing as provided in paragraph (c) of this section, and other thermometers which will register temperatures accurately and satisfactorily for use as required by the regulations.

§ 102.78 *Overtime work at licensed establishments.* The management of a licensed establishment desiring to work under conditions which will require the services of an employee of the Division on Saturday, Sunday, or a holiday, or for more than eight hours of any other day, shall sufficiently in advance of the period of overtime, request the inspector in charge or his assistant to provide inspection service during such overtime period, and shall pay the Administrator of the Agricultural Research Service an amount sufficient to reimburse the service for the cost of the inspection service so furnished. It will be administratively determined from time to time which days constitute holidays.

PART 108—SANITATION AT LICENSED ESTABLISHMENTS

Sec.	
108.1	Remodeling and additions; plans and specifications.
108.2	Stables and premises.
108.3	Segregation of animals.
108.4	Location of licensed establishments.
108.5	Precautions.
108.6	Construction.
108.7	Dangerous organisms and products.
108.8	Light and ventilation.
108.9	Dressing rooms and other facilities.
108.10	Drainage and plumbing.
108.11	Water supply.
108.12	Rooms and equipment.
108.13	Hands and clothing.
108.14	Outer premises.
108.15	Flies and other vermin.
108.16	Carcasses, refuse materials, and biological products.
108.17	Smoking or expectorating, etc.

Authority: §§ 108.1 to 108.17 issued under 37 Stat. 832-833; 21 U. S. C. 151-158.

§ 108.1 *Remodeling and additions; plans and specifications.* Triplicate copies of plans properly drawn to scale, and of specifications, including plumbing and drainage, for remodeling licensed establishments and for new structures at licensed establishments shall be submitted

to the Director in advance of construction.

§ 108.2 *Stables and premises.* Stables or other premises for animals used in the production or testing of biological products at licensed establishments shall be properly ventilated and lighted, appropriately drained and guttered, and kept in sanitary condition.

§ 108.3 *Segregation of animals.* Animals infected with or exposed to any dangerous, infectious, contagious, or communicable disease shall be effectively segregated at licensed establishments.

§ 108.4 *Location of licensed establishments.* (a) Licensed establishments shall be so located and so constructed that disease will not spread therefrom, and suitable arrangements shall be made for the disposal of all refuse.

(b) Direct communication to licensed establishments shall not be maintained from public stockyards, abattoir pens, or other places in which animals are received or held for any purpose.

§ 108.5 *Precautions.* All biological products prepared at licensed establishments shall be prepared, handled, and distributed under the Virus-Serum-Toxin Act with due sanitary precautions, and all such biological products to be shipped or delivered under said act shall be securely packed.

§ 108.6 *Construction.* The floors, walls, ceilings, partitions, posts, doors, and all other parts of all structures at licensed establishments shall be of such material, construction, and finish as can be readily and thoroughly cleaned.

§ 108.7 *Dangerous organisms and products.* Rooms or compartments separate from the remainder of the establishment shall be provided at licensed establishments for preparing, handling, and storing virulent or dangerous organisms and products.

§ 108.8 *Light and ventilation.* All rooms and compartments at licensed establishments shall have abundant light and sufficient ventilation to insure sanitary and hygienic conditions.

§ 108.9 *Dressing rooms and other facilities.* (a) Each licensed establishment shall have dressing and toilet rooms and urinals sufficient in number, ample in size, conveniently located, properly ventilated, and meeting all requirements of the regulations as to sanitary construction and equipment. These rooms and facilities shall be separate from rooms and compartments in which any biological product is prepared, handled or stored.

(b) Each licensed establishment shall have modern lavatory accommodations, including running hot and cold water, soap, towels, and the like. These shall be so located in the establishments as to make them readily accessible to all persons handling biological products.

§ 108.10 *Drainage and plumbing.* There shall be an efficient drainage and plumbing system for each licensed establishment and premises thereof, and all drains and gutters shall be properly installed with approved traps and vents.

§ 108.11 Water supply. The supply of hot and cold water at licensed establishments shall be ample and clean. Adequate facilities shall be provided for the distribution of water in each establishment and for the washing of all containers, machinery, instruments, other equipment, and animals used in the preparation, handling, or storing of any biological product.

§ 108.12 Rooms and equipment. All rooms, compartments, and other places used in connection with the preparation, handling, or storing of any biological product at licensed establishments shall be of such material, construction, and design as can be readily and thoroughly cleaned. All containers, instruments, and other equipment shall be cleaned and sterilized and so handled thereafter as to afford protection from contamination. Containers, instruments, and other apparatus and equipment used for preparing, handling, or storing virulent or dangerous organisms or products shall not be used for handling, preparing, or storing other forms of biological products.

§ 108.13 Hands and clothing. (a) All employees of licensed establishments who handle biological products shall keep their hands and clothing clean. The hands of such employees shall not come in contact with any biological product or with any part of sterilized containers, instruments, or other equipment which may come in contact with such products.

(b) Caps, gowns, and other outer clothing worn by persons while handling any biological product shall be of clean, white material whenever practicable. All persons, immediately before entering the operating or laboratory rooms of a licensed establishment, shall change their outer clothing or effectively cover the same with gowns or other satisfactory garments.

§ 108.14 Outer premises. The outer premises of licensed establishments, embracing docks, driveways, approaches, yards, pens, chutes, and alleys, shall be drained properly and kept in a clean and orderly condition. No nuisance shall be allowed in any licensed establishment or on its premises.

§ 108.15 Flies and other vermin. Every practicable precaution shall be taken to keep licensed establishments free of flies, rats, mice, and other vermin. The accumulation, on the premises of an establishment, of any material in which flies or other vermin may breed is forbidden.

§ 108.16 Carcasses, refuse materials, and biological products. All parts of the carcasses of animals producing viruses, all other dead animals and parts and refuse, all materials unsatisfactory for production purposes, all biological products unsatisfactory for marketing, and all worthless, contaminated, dangerous, or harmful biological products, shall be incinerated or otherwise disposed of by licensees as may be required by the Director.

§ 108.17 Smoking or expectorating, etc. Such practices as smoking in labo-

ratories or expectorating on the floors of any room, compartment, or place in which biological products are prepared, handled, or stored at licensed establishments are prohibited.

PART 109—STERILIZATION AT LICENSED ESTABLISHMENTS

Sec.
109.1 Equipment and the like.
109.2 Sterilizers.

AUTHORITY: §§ 109.1 and 109.2 issued under 37 Stat. 832-833; 21 U. S. C. 151-153.

§ 109.1 Equipment and the like. (a) All containers, instruments, and other apparatus and equipment, before being used in preparing, handling, or storing biological products, at a licensed establishment, except as otherwise prescribed herein, shall be thoroughly sterilized by live steam at a temperature of at least 120° C. for not less than one-half hour, or by dry heat at a temperature of at least 160° C. for not less than one hour. If for any reason such methods of sterilization are impracticable, then a process known to be equally efficacious in destroying microorganisms and their spores may be substituted after approval by the Director.

(b) Instruments which are found to be damaged by exposure to the degree of heat prescribed in this section, after having been thoroughly cleaned, may be sterilized by boiling for not less than 15 minutes, provided apparatus satisfactory to the inspector in charge is furnished for this purpose.

§ 109.2 Sterilizers. Steam and dry-heat sterilizers used in connection with the production of anti-hog-cholera serum and hog-cholera virus at licensed establishments shall be equipped with automatic temperature-recording gages. Charts used on these gages shall be available at all times for examination by inspectors.

PART 112—LABELS AND SAMPLES

LABELS
Sec.
112.1 Containers.
112.2 Required and permitted information.
112.3 Reference to distributors.
112.4 Review and approval of labels and other material.

SAMPLES
112.26 Collection and handling of samples.
112.27 Selection, marketing, testing, and holding by licensee.

AUTHORITY: §§ 112.1 to 112.27 issued under 37 Stat. 832-833; 21 U. S. C. 151-153.

LABELS
§ 112.1 Containers. (a) Each immediate or true container of biological products prepared at a licensed establishment or imported by a licensee or permittee, in compliance with the regulations and found not to be worthless, contaminated, dangerous, or harmful, shall be labeled as provided in this part.

(b) No container of any biological product which has not been so prepared and found not to be worthless, contaminated, dangerous, or harmful shall bear such a label, except that containers of anti-hog-cholera serum and hog-cholera virus prepared at licensed establish-

ments, and such other products of such establishments as the Director may permit, may be labeled before the products are released for marketing: *Provided*, Anti-hog-cholera serum and hog-cholera virus labeling is done under the direct supervision of an inspector and the products immediately thereafter are placed under Division lock, where they are held until released for marketing. No person shall have access to the compartment in which such labeled products are held under such lock except in the immediate presence of an inspector.

(c) No person shall apply or affix, or cause to be applied or affixed, any label, stamp, or mark to any biological product prepared or received in a licensed establishment or imported except in compliance with the regulations. Suitable tags or labels of a distinct design shall be used for identifying all biological products while in course of preparation at licensed establishments.

§ 112.2 Required and permitted information. (a) Except as provided by the Director, each label of a biological product prepared at a licensed establishment or imported shall include the following:

(1) The true name of the product which name shall be identical with that shown in the license or permit under which the product is prepared or imported and shall be prominently lettered and placed giving equal emphasis to each word composing it;

(2) In the case of product manufactured in the United States, the name and address of the licensee, or of the subsidiary which manufactured the product, when named in the license as provided in § 102.4 (d) of this subchapter, and in the case of foreign-manufactured product offered for importation, the name and address of the permittee and of the foreign manufacturer: *Provided*, That when the licensee has more than one establishment, one street address only shall be given, although the general location of each licensed establishment in such case may be stated;

(3) The license or permit number assigned by the Department which shall be shown only in one of the following forms, respectively: "U. S. Veterinary License No. ____," or "U. S. Vet. License No. ____," or "U. S. Veterinary Permit No. ____," or "U. S. Vet. Permit No. ____";

(4) A serial number by which the product can be identified with the manufacturer's records of preparation;

(5) A permitted expiration date affixed before the product is removed from the manufacturer's establishment;

(6) A dosage table and full instructions for the proper use of the product or a statement in the case of very small labels as to where such information is to be found;

(7) The quantity of the contents of each immediate or true container in cubic centimeters, units, grams, or milligrams;

(8) Instructions to keep the product at a temperature of not over 45° F.: *Provided*, That all labels, circulars, and the like for liquid Brucella abortus vaccine and rabies vaccine shall include a

warning against freezing and instructions to keep the product under refrigeration at 35° to 45° F.;

(9) In the case of a multiple-dose container, a warning that all of the product should be used at the time the container is first opened, except as provided in subparagraph (13) of this paragraph;

(10) In the case of a product composed of viable or dangerous organisms or viruses, the notice "Burn this container and all unused contents" prominently placed and lettered and affixed to the immediate or true container of such product, except as provided in subparagraph (13) of this paragraph;

(11) In the case of subcutaneous tuberculin, a statement indicating the quantity of Koch's old tuberculin (K. O. T.) in each cubic centimeter, disk, or the like of the product, and recommendations regarding the minimum dose to be administered; *Provided*, That this dose for subcutaneous use shall be not less than the equivalent of 0.5 gram K. O. T.;

(12) In the case of a product which contains an antibiotic added during the production process, the statement "Contains _____ as a preservative", or an equivalent statement, indicating the antibiotic added;

(13) (i) In the case of a diluent which is to be removed from its container and entirely added to a desiccated biological product, the label of such diluent is exempt from the provisions of subparagraphs (9) and (10) of this paragraph;

(ii) In the case of a diluent with which a desiccated biological product is to come in contact while the diluent is in its original container, the label of such diluent must conform to the provisions of subparagraphs (9) and (10) of this paragraph;

(iii) In the case of a desiccated biological product which is to be added to a diluent and never returned to the original container, the label of such desiccated biological product shall conform to the provisions of subparagraph (10) of this paragraph but is exempt from the provisions of subparagraph (9) of this paragraph; and

(14) All other similar information required by the Director.

(b) Labels of biological products prepared at licensed establishments or imported may also include any other statement which is not false or misleading.

(c) Labels of biological products prepared at licensed establishments or imported shall not include any statement, design, or device which overshadows the true name of the product as licensed or which is false or misleading in any particular or which may otherwise deceive the purchaser.

(d) Anti-hog-cholera serum consisting of concentrated antibodies shall be named "hog-cholera antibody-concentrate."

§ 112.3 *Reference to distributors.* When any biological product is to be distributed under the Virus-Serum-Toxin Act by any person other than the one holding a license to produce, or a permit to import, such product, and the name and address of the distributing person

are to appear on the labels of the containers thereof a statement shall be made on the labels indicating that such person is the distributor of the biological product. The name and address of the distributor shall not appear in any form or manner indicating that he is the producer of the product or operating under the license or permit shown on the label. The terms "distributor," "distributors," "distributed by," or equivalent terms may be used if prominently and properly placed and lettered, in connection with the name and address of the distributing person: *Provided*, The same are not so used as to be either false or misleading. Reference to the distributing person shall be made by name and address only.

§ 112.4 *Review and approval of labels and other material.* (a) Except as otherwise provided in this section, quadruplicate copies of all labels, circulars, and enclosures distributed with biological products prepared by licensed establishments or imported shall be submitted to the Director for review and approval before they are placed in use. For the convenience and guidance of licensees and permittees, sketches or proofs of new labels and the like may be submitted in triplicate to the Director for review and approval, and in this case the preparation of finished labels and the like shall be deferred until copies of such sketches or proofs are returned to the licensee or permittee.

(b) Tags, stickers, and the like used to identify products or materials during process of production or testing, if not false or deceptive, may be used by licensees with the permission of the inspector in charge.

(c) The inspector in charge may permit the use by licensees of approved labels and the like which have been modified as follows:

(1) When all features of the label are proportionately enlarged and the general arrangement including colors remains the same; or

(2) When the label is translated into a foreign language without other material change.

(d) As of February 1 of each year or oftener on request by the Director, licensees shall submit to him, through the office of the inspector in charge, lists of labels and the like which they will continue in actual use. Each shall be properly identified by date of approval, name of product, and number if used.

SAMPLES

§ 112.26 *Collection and handling of samples.* (a) Samples of biological products shall be collected only by authorized officers, agents, or employees of the Department.

(b) Samples may be purchased in the open market, and the marks, brands, or tags upon the package or wrapper thereof shall be noted. The collector shall note the names of the vendor and agent of the vendor who made the sale, together with the date of purchase. The collector shall select representative samples.

(c) All samples or parts of samples shall be sealed by the collector and

marked for identification and future reference.

§ 112.27 *Selection, marketing, testing, and holding by licensee.* (a) Representative samples of each batch of every biological product, except anti-hog-cholera serum, hog-cholera vaccine, and hog-cholera virus, shall be selected at random from packages finished for marketing by designated laboratory employees in each licensed establishment. Said representative samples shall include two samples reserved for Division call and such other samples as may be required by the licensee for examination and testing. Each sample reserved for Division call shall (1) consist of two or more containers and the package (or packages) shall be sealed, dated, and initialed when taken; (2) be adequate in quantity for appropriate examination and testing; (3) be truly representative of the batch which is to be marketed and be in true containers; and (4) be held by the licensee at least 6 months after the latest expiration date stated on the labels.

(b) A special compartment or the equivalent shall be set aside by the licensee for the exclusive holding of the two samples reserved for Division call under refrigeration at 35° to 45° F. The samples shall be stored systematically for ready reference and procurement if and when requested by the Division.

PART 114—MISCELLANEOUS REQUIREMENTS FOR LICENSED ESTABLISHMENTS

Sec.	
114.1	Composition of products.
114.2	Methods.
114.3	Serums, equine and bovine.
114.4	Brucella cultures.
114.5	Brucella abortus vaccine; marketing and use.
114.6	Fowl-pox vaccine and laryngo-tracheitis vaccine, and New Castle disease vaccine.
114.7	Rabies vaccine.
114.8	Tetanus antitoxin.
114.9	Mixing biological products.
114.10	Phenol determination.
114.11	Temperature and light.
114.12	Division tests.

Authority: §§ 114.1 to 114.12 issued under 37 Stat. 832-833; 21 U. S. C. 151-158.

§ 114.1 *Composition of products.* Organisms or viruses used in the production at licensed establishments of bacterins, vaccines, toxins and the like shall be derived from the causative agents of the diseases or conditions against which the products are to be used, and shall be free from the causative agents of other diseases or conditions.

§ 114.2 *Methods.* (a) All biological products shall be prepared, handled, stored, marked, treated, and tested by licensees in accordance with methods described in the licensees' outlines provided for under this section, unless other methods are prescribed or permitted by the Director in which case such other methods shall be used.

(b) An outline, describing fully the entire process of preparing, handling, storing, marking, treating, and testing each biological product except anti-hog-cholera serum and hog-cholera virus, shall be submitted by each licensee to the

Division. An outline with respect to hog-cholera virus for inoculating purposes shall also be submitted to the Division in accordance with § 118.3 of this subchapter, and an outline with respect to hog-cholera antibody-concentrate may be submitted to the Division in accordance with § 119.2 (b) of this subchapter. Tests that are applicable and necessary to prevent the marketing of an unsatisfactory product shall be made by the licensee. Such tests include sterility, safety, and potency tests and tests for determining agglutination and complement fixation titer, and the like. Each outline shall clearly state a definite expiration date for the product and on what it is based. Each outline to which no objections are made by the Director of the Division will be stamped, with the date filed, and copies of such outlines will be returned to the licensee.

An outline may be followed only after such action has been taken. An outline so processed must be followed by the licensee unless and until amended in the same manner or the licensee is directed to discontinue following such outline because of objections made to it at any time by the Director of the Division. When such objections are made, unless the licensee modifies his outline to meet them, the Director of the Division may, after affording opportunity for hearing to the licensee, prescribe the method of preparing, handling, storing, marking, treating, or testing the particular product to be observed by the licensee. Pending such action by the Director, the licensee may continue to use such outline except that where the public health, interest, or safety so requires, the Director may upon notice to the licensee, suspend immediately approval of the outline and thereupon the licensee shall not use such outline in the production of biological products under the Virus-Serum-Toxin Act unless and until subsequent notice of withdrawal of such suspension is given to the licensee.

§ 114.3 *Serums, equine and bovine.* (a) Equine and bovine serums produced at licensed establishments shall be derived from the blood of healthy animals. No serum-producing animal shall be given antigen containing *Brucella* organisms or their derivatives without approval of the Director. Detailed records relative to any tests on the animals and to the antigens used in treating serum-producing animals shall be maintained by the licensee.

(b) Serum and aggrassin of equine origin produced at licensed establishments shall be heated at 58.5° C. for 60 minutes, with a tolerance of 0.5° above and below that temperature, by methods prescribed in this section, and serum of bovine origin shall be heated in like manner for 30 minutes. Serum shall contain no preservative at the time of heating.

(c) Serum heated as provided in paragraph (b) of this section, shall be cooled immediately thereafter to 15° C. or lower, and thus held until it is properly preserved. It shall be preserved, mixed, and tested by methods described in the licensee's outline.

(d) Units of equine serum heated as provided in paragraph (b) of this sec-

tion, may be tested for toxicity on one or more horses by injecting, intravenously, each of the test horses with at least 100 cc. of a representative sample thereof. Should the test horses show a reaction due to the serum injected, the product shall not be marketed unless and until the toxic fraction is removed or is shown to be harmless.

(e) Bulbs and other parts of recording thermometers at licensed establishments which are to be placed within heating containers, when not in actual use shall be submerged in a 5-percent phenol solution.

(f) Accurate thermometers at licensed establishments shall be used at frequent intervals to check temperatures of the serum as registered by recording thermometers.

(g) Licensees shall keep detailed records relative to each unit of serum as pasteurized and each batch of serum as prepared for marketing. Recording thermometer charts must bear full information concerning the serum heated and tests made of the equipment.

(h) Metal serum containers, each having a capacity of approximately 50 liters, shall be used in licensed establishments. During the heating process these containers shall be surrounded by a separate water jacket or equivalent so that the entire container, including its lid, is submerged at least 2 inches beneath the surface of the water. Filling must be done at a point which is below the surface of the water at the time of heating. Each serum container shall be equipped with a motor-driven agitator and a separate automatic recording thermometer, and shall have a lid attached to the container so as to withstand approximately 15 pounds' pressure without leakage, when submerged in water.

(i) The water bath shall have an automatic temperature control to limit the temperature of the water to a maximum of 62° C., an automatic recording thermometer, an indicating thermometer set in a fixed position, and circulating mechanism adequate to insure equal temperatures throughout the bath. The heating unit for the bath shall be separate from the serum-container jacket.

(j) All pasteurizing equipment must be acceptable to the Division and meet all necessary tests.

§ 114.4 *Brucella cultures.* Only those cultures of *Brucella abortus* organisms known to be acceptable to the Division shall be used in preparing *Brucella abortus* vaccine in licensed establishments. Cultures for this purpose will be supplied by the Division upon request. Cultures of *Brucella suis* must not be admitted to or handled in licensed establishments without approval of the Director.

§ 114.5 *Brucella abortus vaccine; marketing and use.* (a) Licensees' production outlines for *Brucella abortus* vaccine shall specify, among other things, the minimum number of viable *Brucella abortus* organisms per cubic centimeter that shall be present in the product until the end of the period of use indicated by the expiration date. The expiration date for the liquid form of this vaccine shall not exceed 3 months from the date of production (harvest-

ing), and for the desiccated form shall not exceed 15 months from the date of production (harvesting). The vaccine shall be marketed only in vials of resistant glass of low alkalinity and uniform stability, and all other glass containers used in preparation of the product shall be of like resistance.

(b) Freshly prepared *Brucella abortus* vaccine shall contain, when subjected to testing, not less than 10 billion viable *Brucella abortus* organisms per cubic centimeter. The vaccine also shall contain not less than 5 billion viable *Brucella abortus* organisms per cubic centimeter until the end of the period of use as indicated by the expiration date recorded on all labels used on or in connection with each immediate or true container of the same mixture or batch.

§ 114.6 *Fowl-pox vaccine, laryngotracheitis vaccine, and Newcastle disease vaccine.* Licensed establishments shall test each batch of fowl-pox vaccine, including pigeon pox, laryngotracheitis vaccine, and Newcastle disease vaccine as provided in this section to determine whether it is free from the causative agents of extraneous diseases.

(a) *Fowl-pox vaccine.* For testing each batch of fowl-pox vaccine, 12 healthy cockerels or other suitable young chickens of the same source shall be made available at the same time. This group shall have been immunized for at least 21 days with fowl-pox vaccine, previously tested and found satisfactory.

(1) Three of the test birds selected shall be injected subcutaneously with 10 times the field dose of the vaccine to be tested. The vaccine as tested shall be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from other viruses and etiological agents of septicemic diseases.

(2) Three of the test birds selected shall be injected intratracheally with 10 times the field dose of the vaccine to be tested. The vaccine as tested shall be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from the etiological agents of laryngotracheitis and similar diseases.

(3) Three of the test birds selected shall be injected intranasally with 0.2 cc. of the vaccine prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from the etiological agents of coryza and similar diseases.

(4) The three remaining birds selected shall be isolated and held as controls under observation for at least 21 days.

(5) All the treated birds shall be observed daily for at least 21 days. All the test birds that succumb shall be subjected to a careful post mortem examination by a competent veterinarian. The product shall be withheld from the market until it and the test birds are shown to be free of the causative agents of any extraneous disease. No bird shall be used more than once in making tests, and only healthy birds shall be removed from the premises.

(b) *Laryngotracheitis vaccine.* For testing each batch of laryngotracheitis vaccine, 12 healthy cockerels or other

suitable young chickens of the same source shall be made available at the same time. This group shall have been immunized for at least 14 days with laryngotracheitis vaccine previously tested and found satisfactory.

(1) Three of the test birds selected shall be injected subcutaneously with 10 times the field dose of the vaccine to be tested. The vaccine as tested shall be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from other viruses and etiological agents of septicemic diseases.

(2) Three of the test birds selected shall be treated by applying at least 10 times the field dose of the vaccine to be tested to a scarified area of at least 1 square centimeter on the comb of each bird. The vaccine as tested shall be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from the virus of fowl-pox.

(3) Three of the test birds selected shall be injected intranasally with 0.2 cc. of the vaccine to be tested. The vaccine as tested shall be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from the etiological agents of coryza and similar diseases.

(4) The three remaining birds selected shall be isolated and held as controls under observation for at least 21 days.

(5) All the treated birds shall be observed daily for at least 21 days. All the test birds that succumb shall be subjected to a post mortem examination by a competent veterinarian. The product shall be withheld from the market until it and the test birds are shown to be free of the causative agents of any extraneous disease. No bird shall be used more than once in making tests, and only healthy birds shall be removed from the premises.

(c) *Newcastle disease vaccine.* For testing each batch of Newcastle disease vaccine, 15 healthy cockerels or other suitable young chickens of the same source shall be made available at the same time. This group shall have been immunized for at least 14 days with Newcastle disease vaccine previously tested and found satisfactory.

(1) Three of the test birds selected shall be injected subcutaneously with 10 times the field dose of the vaccine to be tested. The vaccine as tested shall be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from other viruses and etiological agents of septicemic diseases.

(2) Three of the test birds selected shall be injected intratracheally with 10 times the field dose of the vaccine to be tested. The vaccine as tested shall be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from viruses of laryngotracheitis and similar diseases.

(3) Three of the test birds selected shall be injected intranasally with 0.2 cc. of the vaccine prepared exactly as the product is to be used in the field. This group should serve to indicate

whether the product is free from viruses of coryza and similar diseases.

(4) Three of the test birds selected shall be treated by applying at least 10 times the field dose of the vaccine to be tested to a scarified area of at least 1 square centimeter on the comb of each bird. The vaccine as tested shall be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from the virus of fowl-pox.

(5) The three remaining birds selected shall be isolated and held as controls under observation for at least 21 days.

(6) All the treated birds shall be observed daily for at least 21 days. All the test birds that succumb shall be subjected to a post mortem examination by a competent veterinarian. The product shall be withheld from the market until it and the test birds are shown to be free of the causative agents of any extraneous disease. No bird shall be used more than once in making tests, and only healthy birds shall be removed from the premises.

§ 114.7 Rabies vaccine. Licensees producing killed rabies vaccine shall adhere to the following requirements pertaining to the preparation and testing of this product for safety and potency:

(a) The fixed virus of rabies material shall be treated with phenol or by other means permitted by the Director to render it safe without materially reducing the antigenicity of the vaccine.

(b) Rabies vaccine shall be collected in batches and mixed thoroughly in a single container. The product in the completed batch shall consist not less than 20 percent of fixed virus material unless otherwise authorized by the Director.

(c) Safety tests shall be made by injecting subdurally laboratory animals with a representative sample of rabies vaccine. Each batch not in excess of 100,000 cc. completed for marketing shall be tested by thus injecting each of not less than two rabbits with not less than 0.2 cc. and each of not less than five mice with 0.03 cc. for each 20,000 cc. or fraction thereof. The test animals shall be held under observation for at least 14 days.

(d) Each batch of completed vaccine not in excess of 100,000 cc. shall be tested by the licensee for protective value. Each batch to be marketed shall show a protective titer of at least 1,000 m. l. d. when tested on suitable mice against the permitted standard challenge virus.

(e) Rabies vaccine, prepared for marketing, which contains the living virus of rabies or which is worthless, contaminated, dangerous, or harmful, shall not be marketed and shall be destroyed under the provisions of § 108.16 of this chapter.

§ 114.8 Tetanus antitoxin. (a) All containers of tetanus antitoxin prepared by licensees for marketing in the United States shall contain not less than 1,500 units and be labeled to recommend not less than this quantity as a minimum prophylactic dose.

(b) When tetanus antitoxin is prepared by licensees for export, 500 units

may be recommended on the label as a minimum prophylactic dose provided the labeling clearly indicates that the product is for export. There shall be printed conspicuously on each label the word "export," with the name and address of the distributor located in the foreign country.

(c) The immunity unit for measuring the strength of tetanus antitoxin shall be 10 times the least quantity of antitetanic serum necessary to save the life of a 350-gm. guinea pig for 96 hours against the dose of standard toxin permitted under the regulations.

§ 114.9 Mixing biological products. Each batch of biological product, when in liquid form, shall be mixed thoroughly in a single container and be constantly agitated during bottling operations at licensed establishments. Serial numbers in sequence, with any other markings that may be necessary for ready identification of the batch, shall be applied to identify it with the records of preparation and labeling.

§ 114.10 Phenol determination. As an aid in meeting requirements for the preservation of anti-hog-cholera serum and hog-cholera virus with phenol, employees of the Division trained in making the field phenol test will instruct licensed-establishment employees fully in the technique of making this test. A general description and directions for making the field phenol test known as the "P-2 Test" are available on application to the Division. The necessary reagents for such use will be supplied by the Division through inspectors in charge on request. Licensees shall use the field phenol test on all batches of preserving solutions and hog-cholera virus. Division inspectors will make such check tests as may be warranted.

§ 114.11 Temperature and light. Biological products at licensed establishments shall be protected at all times against light and detrimental temperatures. Furthermore, such products, after completion, shall be kept under refrigeration at 35° to 45° F.

§ 114.12 Division tests. Whenever deemed necessary, a licensee may be required by the inspector in charge to withhold biological products from the market until representative samples have been tested by the Division and the batches concerned released by the Division for marketing. These samples shall be taken as authorized by the Division.

PART 115—REINSPECTION

§ 115.1 Reinspection. All biological products, the containers of which bear United States veterinary license numbers or United States veterinary permit numbers or other marks required by these regulations may be inspected at any time or place. If, as a result of such inspection, it appears that any such product, even those prepared in a licensed establishment or imported under permit issued by the Secretary, is worthless, contaminated, dangerous, or harmful, the Secretary shall give notice thereof to the manufacturer or importer and to any jobbers, wholesalers, dealers, or other

persons known to have any of such product in their possession. Unless and until the Secretary shall otherwise direct, no persons so notified shall thereafter sell, barter, or exchange any such product in any place under the jurisdiction of the United States or ship or deliver for shipment any such product from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia. However, failure to receive such notice shall not excuse any person from compliance with the Virus-Serum-Toxin Act.

(37 Stat. 832-833; 21 U. S. C. 151-158)

PART 116—RECORDS AND REPORTS

RECORDS

- Sec.
116.1 Maintenance of records.
116.2 Special record requirements.
116.3 Completion and retention of records.

REPORTS

- 116.10 Inspection.
116.11 Licensees to furnish information.
116.12 Charts.

AUTHORITY: §§ 116.1 to 116.12 issued under 37 Stat. 832-833; 21 U. S. C. 151-158.

RECORDS

§ 116.1 *Maintenance of records.* Detailed records of the results of tests for purity and potency and of the methods of preservation of each batch of biological products shall be kept by each licensee. Biological products prepared in foreign countries shall be eligible for importation into the United States only if the foreign manufacturer of such products also maintains such records. Detailed records in form satisfactory to the Director shall be maintained by each licensee, each distributor, and each importer, showing the sale, shipment, or other disposition made of the biological products handled by such person.

§ 116.2 *Special record requirements.* Licensees preparing anti-hog-cholera serum and hog-cholera virus shall observe the following requirements:

(a) *Work sheets.*—(1) *Virus pigs.* Work sheets for virus pigs shall show the tag number, date of admission to the premises, date of inoculation, and serial number and dose of virus used. Such work sheets shall show the temperature and physical condition of each pig when this is required by the regulations. They shall also show whether the virus collected from each pig was used in hyperimmunizing virus, simultaneous virus, or inoculating virus, or was destroyed. In the case of pigs intended for the production of simultaneous virus, the work sheet shall be prepared by the licensee in triplicate and the second carbon copy shall be furnished the inspector on the date of inoculation, except when the group is not designated as containing simultaneous virus pigs until the third day after the date of inoculation. In the latter case the work sheet shall be prepared in triplicate on the third day after inoculation to show the tag number and other information required by the regulations for each pig in the group and the second carbon copy shall then be furnished to the inspector. In any case, when the original and first carbon

copies are completed, the first carbon copy shall be delivered to the inspector. All groups of pigs from which simultaneous virus will be selected shall be held in pens separate from other pigs.

(2) *Hyperimmunization of immune hogs.* Work sheets for hyperimmunization of immune hogs shall show the temperature and the tag number of each animal, actual weight at time of hyperimmunization, and the serial number and dose of virus injected. The net quantity injected into each group of animals and the number of the group to which each animal belongs also shall be recorded. This work sheet shall be prepared in duplicate, and the carbon copy shall be furnished to the inspector.

(3) *Bleeding of hyperimmune hogs.* Work sheets for bleeding of hyperimmunized hogs shall show the group number of the hogs, the temperature and tag number of each animal, and the class of bleeding. The work sheet shall be prepared in duplicate and furnished to the inspector in advance of actual bleeding of the animals shown thereon. Upon receipt of the work sheet, the inspector shall check it with his records, and if he finds that the animals shown thereon are eligible for bleeding he shall supervise the taking and recording of their temperatures. The temperature of each animal shall be recorded on the work sheet by an employee of the licensed establishment. The inspector shall indicate on the work sheet those animals that are rejected, return the original copy to the licensee, and retain the duplicate.

(4) *Serum preparation.* Work sheets for the clarification of anti-hog-cholera serum shall show the number of the group to which the hogs belong, and the class and total number of bleedings involved, with the information required in this subparagraph relating to each working unit, as defined in § 119.23 (a) (3) of this chapter. The information relating to the working unit shall include the total quantity of whole or defibrinated blood used and the total quantity of clarifying solutions. The quantity of each clarifying solution shall be recorded separately. The quantity of serum recovered (gross), the total quantity of preserving solution used, and the total quantity of preserved serum shall be recorded separately for each group. The quantity of preserved serum contained in each storage container and the number of the container shall be shown on the work sheet. This work sheet shall be prepared in quadruplicate and three carbon copies shall be furnished to the inspector.

(5) *Work sheets, specimens.* A sample form of the work sheets used in licensed establishments in connection with virus pigs, the hyperimmunization of immune hogs, the bleeding of hyperimmune hogs, and the preparation of anti-hog-cholera serum shall be filed with the Division. A statement shall accompany each form showing in detail the manner in which it will be prepared and used.

(b) *Other records.* (1) Licensees shall maintain production records in ink or the equivalent. These records shall in-

clude a record of all pigs used to produce hog-cholera virus. The information on the production record shall be substantially the same as that shown on the work sheets as provided in paragraph (a) of this section, and in addition it shall include the date on which each pig was killed and the serial number of the batch of virus produced. Such records shall contain information as to the total quantity in each batch of hyperimmunizing, simultaneous, or inoculating virus produced. All such records shall clearly show the particular animal or group of animals from which each batch of the product is derived. The quantity of product collected and the total quantity of product after phenolization shall be separately recorded.

(2) Records showing the hyperimmunization of immune hogs and the bleeding of hyperimmune hogs shall be maintained.

(3) Charts of the automatic temperature-recording thermometers used in connection with the heating and cooling of anti-hog-cholera serum shall be filed as a part of the Division station records.

(4) Complete records of the preparation and mixing of all virus and serum into batches and the bottling, testing, and labeling thereof shall be maintained.

(5) Work sheets prepared like those used by inspectors will be deemed to meet the requirements of this part for work sheets. Work sheets shall be filed by licensed establishments for reference, and if they are made in ink or the equivalent and otherwise are satisfactory, they will be acceptable for purposes of the record-keeping requirements of this section.

§ 116.3 *Completion and retention of records.* All records required by this part (other than disposition records) must be completed by the licensee before any portion of a batch of any product may be marketed. All records required by this part shall be retained for a period of two years after the expiration date of the product involved and for such longer period as may be required by the Director in specific cases.

REPORTS

§ 116.10 *Inspection.* Reports of the work of inspection carried on in licensed establishments shall be prepared and forwarded to the Division by the inspector in charge in such form and manner as may be required by the Director.

§ 116.11 *Licensees to furnish information.* Each licensee shall furnish inspectors with accurate information needed by them for making their reports pursuant to § 116.10 and shall also submit such reports as may be required by the Director.

§ 116.12 *Charts.* Each licensee shall furnish the Division, through the inspector in charge, copies of charts of all tests made of each batch of anti-hemorrhagic-septicemia serum, anti-swine-erysipelas serum, anti-encephalomyelitis serum, encephalomyelitis vaccine, and rabies vaccine and charts for such other products as may be required by the Director before any of the batch is marketed.

PART 117—ANIMALS

- Sec.
 117.1 Opportunity to range in contact.
 117.2 Contact pens.
 117.3 Contact calves.
 117.4 Time held in contact.
 117.5 Contact calves; holding and removal.
 117.6 Certificates.
 117.7 Examination and identification.
 117.8 Treatment.
 117.9 Hyperimmune hogs; time range with contact calves.
 117.10 Removal of animals.
 117.11 Hogs; treatment prior to removal.
 117.12 Disinfection before removal.
 117.13 Other requirements.

AUTHORITY: §§ 117.1 to 117.13 issued under 37 Stat. 832-833; 21 U. S. C. 151-158.

§ 117.1 *Opportunity to range in contact.* All cattle, hogs, sheep, and goats, except animals admitted by certificate as provided in § 117.6, offered for admission to the premises of licensed establishments shall be afforded opportunity to range in contact with other animals as prescribed in Parts 101 to 122 of this subchapter.

§ 117.2 *Contact pens.* Licensees shall provide suitable pens to be known as contact pens through which all hogs, cattle, sheep, and goats shall pass before they shall be admitted to other parts of the premises of a licensed establishment, except that animals admitted under certificate as provided in § 117.6 need not pass through such pens.

§ 117.3 *Contact calves.* (a) Licensees shall provide healthy calves in thrifty condition, ranging from 3 to 12 months of age, and weighing less than 650 pounds for use as contact animals in contact pens. They shall be referred to as contact calves.

(b) Each contact calf shall have its left ear pierced with a hole not less than three-fourths inch in diameter and shall have a serially numbered metal tag attached to its right ear.

§ 117.4 *Time held in contact.* (a) Except as otherwise provided in § 117.6, each group of 200 or less sheep or goats and each group of 20 or less cattle at licensed establishments shall be held in the contact pens for at least 2 days in contact with not less than 2 contact calves, and each animal shall be allowed free range and contact with said contact calves and the other animals in the group.

(b) Except as otherwise provided in § 117.6, each group of hogs which arrives at a licensed establishment in the same conveyance shall be held in the contact pens for at least 1 day in contact with not less than 2 contact calves, except that in the case of pigs used in testing the potency and purity of anti-hog-cholera serum, 6 hours will be sufficient. More than 1 group of such animals may be placed in the same contact pen providing the total number of hogs in the pen does not exceed 200. Each animal shall be allowed free range and contact with said contact calves and the other animals in the group. Hogs immune to hog cholera may be removed from the contact pens for hyperimmunization at any time while being held as aforesaid: *Provided*, They are returned to said pens immediately after this operation.

§ 117.5 *Contact calves; holding and removal.* (a) All surviving contact calves shall be held in the contact pens of licensed establishments for at least 1 month from date of admission to contact pens as contact calves.

(b) Removal of contact calves from contact pens shall be so arranged that one animal of each group of 2 will be replaced at the expiration of 1 month and the other at the expiration of 2 months.

(c) Removal of contact calves from contact pens shall be so accomplished that the animals furnished for the purpose may be used for the maximum time permitted by the preceding paragraphs of this section. A contact calf shall not be used as such more than once, but may be used for testing simultaneous virus after release as a contact animal. Contact calves shall be segregated from incoming animals for 14 days immediately before removal from the premises.

(d) Contact calves shall be subjected to thorough veterinary inspection as frequently as may be practicable in order to detect evidence of vesicular disease or other diseases. Whenever any animals on the premises show evidence of being affected with vesicular disease, rinderpest, or any other highly communicable disease, immediate and proper steps shall be taken by the licensee and the inspector in charge to prevent further dissemination of disease and to notify the Director of the situation. In these circumstances the pen group or section group of animals shall be regarded as a unit for disposal and no attempt made to separate such group in any way unless and until a positive diagnosis is made and a definite plan of disposal agreed upon. Whenever presence of any of these conditions is suspected, removal of animal products shall be suspended and full report made to the Division by telephone, telegram, or air mail.

§ 117.6 *Certificates.* (a) Animals admitted to the premises of any licensed establishment which produces anti-hog-cholera serum and hog-cholera virus and which procures no animals from public stockyards, abattoir pens, or similar places need not be held in contact with contact calves as provided in § 117.2 if (1) the animals are for use in the production of anti-hog-cholera serum or hog-cholera virus, and (2) the licensee furnishes to the inspector in charge at the licensed establishment a certificate as provided for in paragraph (c) of this section.

(b) Pigs for special tests authorized by the Director admitted to the premises of any licensed establishment need not be held in contact with contact calves as provided in § 117.2 if the pigs are handled as prescribed by the Director and if the licensee furnishes to the inspector in charge at the licensed establishment a certificate as provided for in paragraph (c) of this section.

(c) Each certificate provided for in paragraphs (a) and (b) shall be signed by an authorized representative of the licensed establishment, and shall be in the following form:

This is to certify that _____, 19____
 (Specify number and

_____ which are offered for admission to the licensed establishment of the _____ Co., are from the farm or premises of _____, in the State of _____, County of _____, Township of _____, and to the best of our knowledge and belief were on said farm or premises at least 21 days prior to this date, and were not exposed to any infectious, contagious, or communicable disease, and no new stock was brought onto said farm or premises during that time. The said animals have not been in or transported through any public stockyards, abattoir pens, or similar places, nor have they been exposed to any infectious, contagious, or communicable disease since their removal from said farm or premises.

(Signed) _____ Co.,
 Per _____

§ 117.7 *Examination and identification.* (a) All animals presented for admission to the premises of establishments licensed to prepare anti-hog-cholera serum or hog-cholera virus shall be subjected to veterinary inspection as soon as practicable after they are received in order to determine their physical condition. No such animal shall be removed from contact pens at such establishments without veterinary inspection and permission of the supervising inspector.

(b) After examination as provided in paragraph (a) of this section, if the animals are permitted to remain upon the premises of the licensed establishment and to enter the holding pens of the establishment, they shall be given serially numbered metal tags, either prior to or at the time of inoculation or hyperimmunization.

(c) All tags used for the identification of animals shall be attached to the ears of the animals in a manner satisfactory to the inspector in charge. The tags so attached shall be the means of assisting in identifying the animals as long as they remain on the premises.

(d) All tags which are used to identify animals shall be furnished and attached by the licensee, and when said tags are not in use they shall be held under Division lock: *Provided*, That, when required by the Director, tags furnished by the Division shall be used.

(e) The left ear of each animal used in testing the purity and potency of biological products shall, if of sufficient size, be pierced, when the test is begun, with a hole of not less than three-fourths inch in diameter, except that when pigs or calves are used in testing hog-cholera virus for purity as prescribed in Parts 101 to 122 of this subchapter, their right ears shall be pierced as aforesaid. Animals bearing marks of the above-prescribed character shall not be presented for use in testing the purity and potency of biological products, except that contact calves and serum-treated pigs in anti-hog-cholera serum tests, after release as prescribed in the regulations, may be used, once for testing hog-cholera virus for purity, provided they are healthy and their right ears then are pierced as aforesaid. Furthermore, animals with either ear removed or so mutilated as to prevent the detection of these identifying marks shall not be used in any test, if the missing or mutilated ears are needed to determine the

suitability of the animals for test purposes as described in this subchapter.

§ 117.8 Treatment. (a) Animals used in the production or testing of biological products at licensed establishments shall not be treated with biological products other than those which are incidental to the preparation and testing of the products prepared from or tested on said animals, except with the approval of and in such manner as may be prescribed by the Director.

(b) Contact calves shall not be immunized against diseases to which they are susceptible, with the exception of hemorrhagic septicemia. Such calves, if permitted by the inspectors in charge, may be treated with hemorrhagic-septicemia bacterin and anti-hemorrhagic-septicemia serum.

§ 117.9 Hyperimmune hogs; time range with contact calves. (a) If in any specific case hyperimmune hogs are the only production animals held upon the premises of a licensed establishment, they shall be caused to range in contact with calves in the manner prescribed in § 117.2 for a period of at least 10 days prior to their being subjected to carotid or final bleeding. All animals with which hyperimmune hogs have been held in contact as provided in this section shall be held on the premises of the licensed establishment and under the observation of inspectors for at least 14 days after the hyperimmune hogs have been killed.

(b) If at any time hyperimmune hogs are subjected to tail bleeding only, those surviving shall be held under the supervision of inspectors for at least 14 days after the last tail bleeding, but subsequently shall be killed and subjected to post mortem examination as provided by Parts 101 to 122 of this subchapter.

§ 117.10 Removal of animals. Hogs, cattle, sheep, or goats shall not be removed from the premises of establishments licensed to produce anti-hog-cholera serum or hog-cholera virus without the written permission of the inspector in charge. Removal of animals from the premises of licensed establishments will be permitted by the inspector in charge under the following conditions, provided it is accomplished in such a manner as will preclude the dissemination of disease:

(a) Animals that are not in a healthy condition as determined by veterinary inspection, except when affected with a communicable disease, may be removed from licensed establishments for immediate slaughter in an abattoir operated under Federal inspection pursuant to the Meat Inspection Act (21 U. S. C. and Sup. 71 et seq.) if they are transported thereto by truck, wagon, or similar means, and not by rail: *Provided*, They are properly marked for identification and the inspector in charge of meat inspection is given due notice in advance. If such an abattoir is not accessible, the slaughter of said animals may be conducted in any convenient nonfederally inspected establishment provided the licensee signifies willingness in writing to dispose of the carcasses in compliance with the Meat Inspection Act and under

the provisions of the meat inspection regulations (Subchapter A of this chapter) and veterinary inspection as directed by the inspector in charge.

(b) Hogs that are in a healthy condition as determined by veterinary inspection may be removed from licensed establishments provided they are or have been treated or vaccinated and disinfected as prescribed in Parts 101 to 122 of this subchapter. Such hogs need not be treated or vaccinated or disinfected when removed for immediate slaughter at an abattoir operated under Federal inspection pursuant to the Meat Inspection Act (21 U. S. C. and Sup. 71 et seq.) or when removed to a public stockyard from which no hogs are permitted to be removed, without treatment or vaccination and disinfection under supervision of a Federal inspector, for purposes other than immediate slaughter. When hogs are removed to abattoirs or public stockyards without treatment or vaccination and disinfection as aforesaid, the licensee shall furnish the Division with a certificate from the consignee of the animals at the abattoir or public stockyards showing their slaughter therein or receipt thereby, respectively. If the animals are not disinfected, they shall not be transported by rail or driven over public highways which are not traversed by animals from stockyards or similar places.

(c) Calves that are in a healthy condition as determined by veterinary inspection may be removed from licensed establishments after disinfection as described in § 117.12 (a). When removed to an abattoir without passing through stockyards or over public highways which are not traversed by animals from public stockyards or similar places, the animals need not be so disinfected, provided the licensee furnishes the inspector in charge a statement from the consignee of the animals certifying that the animals will be slaughtered in an abattoir named in the certificate.

(d) Pigs which survive inoculation and exposure to hog-cholera virus for the production of hog-cholera virus, and surviving control pigs in tests of anti-hog-cholera serum, may be removed from licensed establishments not earlier than 14 days subsequent to the time of inoculation and exposure as aforesaid, provided they are healthy, as determined by veterinary inspection, are treated as described in § 117.11 and are disinfected as set forth in § 117.12, except that when removed for immediate slaughter or to public stockyards or to feed lots approved by the Director, said animals need not be so treated or disinfected. Other surviving pigs in tests of anti-hog-cholera serum and hog-cholera virus may be removed at the conclusion of the test period, subject to the conditions prescribed in this paragraph.

(e) Hyperimmune hogs or those similarly treated may be removed from licensed establishments not earlier than 14 days subsequent to the time of hyperimmunization or inoculation: *Provided*, They are healthy, as determined by veterinary inspection, and are disinfected as prescribed in § 117.12, except that when removed for immediate slaughter or to public stockyards they may be re-

moved on or after the 11th calendar day and need not be so disinfected.

§ 117.11 Hogs; treatment prior to removal. All hogs which require treatment or vaccination as provided in § 117.10 shall be treated with either serum alone or by the simultaneous-inoculation method, as follows:

(a) When serum alone is used, it shall have been prepared and released for marketing at an establishment holding a license from the Secretary and the dose employed shall conform to that required by Parts 101 to 122 of this subchapter.

(b) When the simultaneous-inoculation method is used, the serum and virus used shall have been prepared at an establishment holding a license from the Secretary and the doses shall be not less than those required by Parts 101 to 122 of this subchapter. After receiving this treatment they shall be held under the supervision of an inspector for a period of at least 14 days.

§ 117.12 Disinfection before removal. All animals which require disinfection as provided in § 117.10 shall be treated as follows:

(a) The feet, legs, and soiled portions of the body of calves to be removed from the licensed establishments shall be cleaned and disinfected with a 2 percent aqueous solution of cresol compound, U. S. P., or substitute therefor approved by the Director and the animals shall then be held in noninfectious pens on the premises of the establishment until they are dry before being loaded for transportation.

(b) Hogs shall be disinfected in a 2-percent aqueous solution of cresol compound, U. S. P., or substitute therefor approved by the Director, and shall be held in noninfectious pens on the premises for at least 3 hours before being loaded for transportation, and after disinfection they shall not be exposed to infectious pens, chutes, and the like. Hogs transported in trucks, wagons, or by similar means may be removed as soon after disinfection as they are observed by the inspector to be dry.

§ 117.13 Other requirements. All animals used in licensed establishments in the preparation or testing of veterinary biological products shall meet such requirements consistent with the regulations in this subchapter as may be prescribed by the Director to prevent the preparation and sale of any worthless, contaminated, dangerous, or harmful biological products.

PART 118—HOG-CHOLERA VIRUS GENERAL REQUIREMENTS

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118.5	Post mortem examinations.
118.6	Recording of symptoms.
118.7	Autopsies.
118.8	Early visible sickness; disposition.
118.9	Defibrination and chilling.
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118.11	Removal of hog-cholera virus.
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HYPERIMMUNIZING VIRUS

- Sec.
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SIMULTANEOUS VIRUS

- 118.30 Inoculations of simultaneous virus.
118.31 Sickness and records thereof.
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118.33 Samples of simultaneous virus.
118.34 Phenolization.
118.35 Holding of simultaneous virus.
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118.37 Test animals.
118.38 Purity test of simultaneous virus.
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118.40 Test and retest.
118.41 Swine erysipelas.
118.42 Marking "U. S. Released."
118.43 Expiration date.
118.44 Minimum dosage and use.

AUTHORITY: §§ 118.1 to 118.44 issued under 37 Stat. 832-833; 21 U. S. C. 151-158.

GENERAL REQUIREMENTS

§ 118.1 *Supervision.* No operations incident to the production of hog-cholera virus in a licensed establishment shall be conducted without the knowledge or supervision of an inspector. The licensee shall notify the inspector in charge or his assistant a reasonable time in advance whenever any operations, including overtime work, are to be conducted in the licensed establishment.

§ 118.2 *Temperatures and inspection.* Pigs which are used in the production of hog-cholera virus at a licensed establishment shall be healthy, and the temperature of each animal shall be accurately taken and permanently recorded by the licensee immediately before inoculation when in the opinion of the inspector in charge this is necessary to determine the health of the animals. Each animal shall be subjected to thorough veterinary inspection immediately prior to inoculation. Temperatures of all pigs shall be accurately taken and recorded by the licensee each day subsequent to the fourth day after inoculation and at such other times as the inspector in charge may require. The temperatures of pigs that are slow or visibly sick on any working day shall be taken and recorded in like manner.

§ 118.3 *Virus for inoculating purposes.* (a) Pigs for the production of inoculating virus at a licensed establishment shall weigh not less than 40 pounds nor more than 125 pounds each and shall be inoculated only with highly virulent hog-cholera virus. Except as provided in paragraph (b) of this section, no hog-cholera virus shall be used for inoculating pigs for the production of inoculating virus, hyperimmunizing virus, or simultaneous virus, or for inoculating pigs in serum or vaccine tests, unless it has been produced, processed, tested and held in the frozen state by a licensee in accordance with an outline acceptable to the Director. Virus for such use shall be held under Division lock or seal and shall be released by the inspector as needed for such use.

(b) Hog-cholera virus obtained from the Animal Disease and Parasite Re-

search Division of the Department, simultaneous virus produced by a licensee and purchased on the open market, and hog-cholera virus from outbreaks on farms which is admitted to a licensed establishment and passed through pigs as provided in § 121.3 of this subchapter, may be prepared thereafter in accordance with an acceptable outline as provided in paragraph (a) of this section and may then be used for the purposes specified in paragraph (a) of this section. The virus produced in the course of passage through pigs inoculated with the virus from such sources, except that needed for further passage to meet the requirements of an outline under paragraph (a) of this section may be used as hyperimmunizing virus, if the pigs so inoculated reacted as prescribed in § 118.4.

(c) Frozen virus for inoculating purposes under paragraph (a) of this section must be held in containers acceptable to the Director. When glass containers are used, they shall be of borosilicate type of high resistance and low alkalinity, shall meet the tests developed by the Division for determining these qualities, shall be properly marked for identification, and shall be guaranteed by the manufacturer to be acceptable to the Division.

§ 118.4 *Bleeding.* Pigs from which blood is to be collected for the production of hog-cholera virus at a licensed establishment shall be bled only after they have had veterinary inspection and have manifested well-marked and increasingly grave symptoms of hog-cholera only, attended with progressively abnormal temperatures common to the acute type of this disease, and have been released by the inspector.

§ 118.5 *Post mortem examinations.* All pigs from which simultaneous virus is derived at licensed establishments shall be subjected to post mortem veterinary inspection. Post mortem examination of hyperimmunizing virus pigs shall be made by trained and competent employees of the licensee. However, in all cases the examinations will be conducted under veterinary inspection, and the inspector shall observe the examination of as many pigs as possible.

§ 118.6 *Recording of symptoms.* A properly applied and recorded "slow" mark on a day preceding a Sunday or holiday may be regarded as equivalent to visible sickness provided the temperature of each slow pig is taken and recorded and provided the temperature is markedly abnormal. In other circumstances the slow mark should not be regarded as equivalent to visible sickness, but should be regarded as a mark applicable to that transitional stage between normal behavior and distinct visible sickness.

§ 118.7 *Autopsies.* Autopsies shall be conducted at licensed establishments on a sufficient number of virus pigs that succumb to obtain all possible information as to the cause of death. Licensed establishment employees shall perform the labor incident to these examinations under the supervision of an inspector.

§ 118.8 *Early visible sickness; disposition.* Pigs that become visibly sick within 3 days after they have been examined for admission to the premises of a licensed establishment as prescribed by § 117.7 of this subchapter, or within 4 days when the third day falls on a Sunday or holiday, must be rejected and either shall be destroyed or handled as prescribed by § 117.10 of this subchapter.

§ 118.9 *Defibrination and chilling.* All virus shall be defibrinated promptly after collection at a licensed establishment and immediately thereafter chilled and maintained at a temperature of not to exceed 45° F.

§ 118.10 *Disposition of virus when condition unsatisfactory.* (a) Virus derived from pigs which on post mortem examination do not show lesions sufficient for the inspector to make a positive diagnosis of hog cholera, when considered with the ante mortem behavior of the animal, or from pigs which are found to be affected with any other infectious, contagious, or communicable disease or in such condition as to render the virus contaminated, shall be destroyed as provided in § 108.16 of this subchapter under the supervision of an inspector. Virus passed by the inspectors may be destroyed as aforesaid at the discretion of the licensee.

(b) Virus derived from pigs which are found to be affected with tuberculosis shall not be marketed but shall be destroyed, as provided in § 108.16 of this subchapter, under the supervision of an inspector, unless the lesions are slight or localized and are calcified or encapsulated.

(c) Samples of blood from pigs which on post mortem examination show evidence of concurrent affection with other disease, except highly communicable diseases referred to in § 117.5 of this subchapter, together with well-defined lesions of hog cholera, may be released by the inspector to the licensee for bacteriological examination. Blood free from highly communicable diseases as aforesaid which is deemed satisfactory by the licensee after bacteriological examination may be used for hyperimmunizing purposes.

§ 118.11 *Removal of hog-cholera virus.* Hog-cholera virus shall not be removed from the premises of a licensed establishment unless the virus has been prepared and handled in accordance with the provisions of Parts 101 to 122 of this subchapter.

§ 118.12 *Filling and labeling containers.* No immediate or true container of hog-cholera virus shall be filled in whole or in part, and no label shall be affixed to such container, except under the supervision of an inspector.

HYPERIMMUNIZING VIRUS

§ 118.25 *Inoculations for hyperimmunizing virus.* For use in the production of hyperimmunizing virus, licensees shall inoculate healthy young pigs weighing not more than 160 pounds each with at least 2 cc. of highly virulent hog-cholera virus: *Provided,* That when hog cholera from pen infection is manifested by the animals after the fourth day subsequent

to admission to the premises of the licensed establishment, they need not be so inoculated.

§ 118.26 Requirements for hyperimmunizing virus. Hyperimmunizing virus shall be collected at licensed establishments only from pigs which are observed on veterinary inspection to be visibly sick with hog cholera and which manifest well-marked and increasingly grave symptoms thereof attended with progressively abnormal temperatures common to the acute type of this disease.

SIMULTANEOUS VIRUS

§ 118.30 Inoculations for simultaneous virus. (a) For use in the production of simultaneous virus, licensees shall inoculate young healthy pigs of good quality with at least 2 cc. each of highly virulent virus. Such pigs when inoculated shall weigh not less than 40 pounds nor more than 125 pounds.

(b) Pigs which are eligible only for the production of hyperimmunizing virus shall be inoculated and held in separate pens from those to be used for simultaneous virus. Such separation shall be made on or before the third day after inoculation and such pigs held thereafter in separate pens until released by the inspector.

§ 118.31 Sickness and records thereof. Simultaneous virus shall not be collected at licensed establishments from pigs which become visibly sick on or before the third day, or subsequent to the seventh day after the time of inoculation. The physical condition of all pigs from which simultaneous virus is to be collected shall be recorded daily on and after the third day subsequent to inoculation. The observations required by the regulations in this part to be made on the third day may be made on the fourth day if the third day falls on Sunday or a holiday.

§ 118.32 Requirements for simultaneous virus, etc. (a) Simultaneous virus and other hog-cholera virus intended for the inoculation of pigs for any purpose shall be collected at licensed establishments only from pigs which are observed by an inspector to be visibly sick with hog cholera within 7 days after the time of inoculation and which manifest well-marked and increasingly grave symptoms of hog cholera attended with progressively abnormal temperatures common to the acute type of this disease.

(b) Simultaneous virus shall be prepared in licensed establishments in batches of not to exceed 50,000 cc. The defibrinated blood in each batch shall not exceed 45,000 cc. and shall be mixed thoroughly in a single container before phenolization. All simultaneous virus shall be constantly agitated during the bottling operation.

§ 118.33 Samples of simultaneous virus. The following representative samples of simultaneous virus shall be taken at licensed establishments and properly identified by an inspector: (a) At time of mixing but before phenolization, (1) "purity test sample" of not less than 30 cc. in a single container, (2) "test sample A" of not less than 5 cc. in a single container; (b) After mixing and phenol-

ization, (1) "phenol test sample" of not less than 30 cc. in one container, (2) one reserve sample of 30 cc. to be forwarded to the Division in event the pigeon or mouse test is unsatisfactory and to be returned to the licensee if tests of the sample are satisfactory, (3) "test sample B" of not less than 5 cc. in a single container; (c) At time of bottling, a "stock sample" of at least 30 cc. in one container. All "A" and "B" test samples shall be held at approximately 75° F. under Division lock until used. All other samples shall be held under Division lock at 35° to 45° F.

§ 118.34 Phenolization. Simultaneous virus blood which has been thoroughly mixed after withdrawal of the purity test sample and test sample A shall have added to it a sufficient quantity of a 5-percent solution of phenol so that the virus will contain one-half of 1-percent phenol by volume. This phenolization must be accomplished with accuracy and in a manner which will prevent undesirable changes in the product.

§ 118.35 Holding of simultaneous virus. Simultaneous virus which has been mixed and phenolized at licensed establishments as provided in Parts 101 to 122 of this subchapter, together with the virus-stock sample, shall be held under Division lock as provided under § 102.77 (c) of this subchapter until the tests required by Parts 101 to 122 of this subchapter have been completed and have shown the virus to be free from contamination: *Provided, however,* That simultaneous virus which will not reach its destination before the tests are concluded or which is exported to a foreign country may be released prior to the conclusion of said tests. If the test respecting simultaneous virus so released is declared unsatisfactory, the manufacturer shall immediately recall all of such product in order that it may be placed under Division lock.

§ 118.36 Disposition of samples of simultaneous virus. At least one container of the stock sample of simultaneous virus shall be held at the licensed establishment unopened in the manner provided in § 102.77 (c) of this subchapter for at least 3 months after the latest expiration date shown upon the labels affixed to the immediate or true containers of the product corresponding to the sample.

§ 118.37 Test animals. Two healthy calves, with mouths free from abrasions, as described in § 117.3 of this subchapter, or three healthy pigs immunized by the simultaneous treatment against hog cholera for at least 14 days, shall be furnished for intravenous injection with the purity test sample. These animals shall be given veterinary inspection immediately before the test is begun. All animals used for the testing of simultaneous virus shall be injected only under the supervision of an inspector and shall be marked as provided in Parts 101 to 122 of this subchapter. All test animals shall be given veterinary inspection as frequently as practicable during the test period to determine whether any symptoms or lesions of a vesicular or other disease develop.

§ 118.38 Purity test of simultaneous virus. Each of the animals selected for testing the purity of simultaneous virus at licensed establishments shall be injected with 15 cc. of the purity-test sample into either the auricular or the jugular vein within 1 day after the first virus in the batch is collected.

§ 118.39 Holding test animals. Animals inoculated for the purpose of determining the purity of simultaneous virus at licensed establishments as provided in § 118.38 shall be held under the observation of a Division employee at least 7 days. Should foot-and-mouth disease appear in the United States the said animals shall be held under the observation of inspectors for at least 10 days.

§ 118.40 Test and retest. If none of the animals which are treated with hog-cholera virus as prescribed in § 118.38 manifests symptoms of any infectious, contagious, or communicable disease, or if only one animal develops hog cholera, the test will be declared "satisfactory for purity," and the product released for marketing: *Provided,* It is otherwise satisfactory under the provisions of the regulations. Should any of the animals in the test succumb or should more than one develop hog cholera, another test may be made as in the first instance, except that not less than 15 cc. of the phenolized virus shall be used for the inoculation of each animal.

§ 118.41 Swine erysipelas. Representative samples of each batch or serial of simultaneous virus shall be tested at licensed establishments in the following manner to determine its freedom from swine erysipelas (*Erysipelothrix rhusiopathiae*):

(a) Within 1 day after the first virus in a batch is collected, at least 1 cc. of test sample A shall be injected intramuscularly into each of three or more young pigeons or 0.2 cc. of such sample shall be injected subcutaneously into each of three or more suitable mice susceptible to swine erysipelas. These test animals and birds shall be held under the observation of an inspector for 10 or more days after being injected with the virus under test.

(b) Three or more days after phenolization of the batch of virus, at least 1 cc. of test sample B shall be injected intramuscularly into each of three or more young pigeons or 0.2 cc. of such sample shall be injected subcutaneously into each of three or more suitable mice susceptible to swine erysipelas. These test animals and birds shall be held under the observation of an inspector for 7 or more days after being injected with the virus under test.

(c) If all test animals or birds injected with test sample A survive for 10 days or more, and all test animals or birds injected with test sample B survive for 7 days or more, after injection, the batch or serial represented by the samples may be marketed if it otherwise conforms to the requirements of Parts 101 to 122 of this subchapter.

(d) Should any of the inoculated animals or birds die during the test, the product shall not be released for mar-

keting and the reserve 30-cc. sample shall be forwarded to the Division.

(e) All animals or birds, after being once used in the tests provided in this section, shall be killed and their carcasses destroyed by incineration or tanking as provided in § 103.16 of this subchapter. Also all virus blood and simultaneous virus which are contaminated with erysipelotheix rhusiopathiae shall be destroyed in like manner.

§ 118.42 *Marking "U. S. Released."* Each immediate or true container of simultaneous hog-cholera virus produced at licensed establishments which has been tested and found not to be worthless, contaminated, dangerous, or harmful, may have a cap affixed which, if approved by the Director, may bear the words "U. S. Released." These caps shall be affixed to the aforesaid containers only under the supervision of an inspector and shall be held under Division lock except when needed for this purpose. No simultaneous virus shall be released for marketing unless and until all information required by the regulations has been affixed to the containers thereof under supervision of an inspector. All simultaneous virus on which the expiration date has expired shall be destroyed as prescribed in § 103.16 of this subchapter.

§ 118.43 *Expiration date.* The expiration date placed on the label of each immediate or true container of simultaneous virus produced at licensed establishments shall be one of the following:

(a) A date within 90 days after the first blood in the batch was collected: *Provided*, That the simultaneous virus is stored and marketed in containers acceptable to the Division;

(b) A date within 120 days after the first blood in the batch was collected when the product is marketed in containers described in § 118.3 and is to be exported to a foreign country and the containers thereof are labeled distinctively.

§ 118.44 *Minimum dosage and use.* Labels affixed to or used in connection with each immediate or true container of simultaneous virus produced at licensed establishments shall bear a dosage table in which the doses recommended are not less than those appearing in the following table:

Weight:	Minimum dose (cc.)
Pigs weighing 45 pounds or less.....	1
Pigs weighing more than 45 pounds....	2

Each label shall bear instructions to use the virus only with anti-hog-cholera serum.

PART 119—ANTI-HOG-CHOLERA SERUM GENERAL REQUIREMENTS

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ANTI-HOG-CHOLERA SERUM PREPARATION PROCEDURE

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TESTING ANTI-HOG-CHOLERA SERUM

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119.61	Retests for purity.
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119.63	Minimum dosage.
119.64	Marking anti-hog-cholera serum "U. S. Released".
119.65	Expiration date.
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119.67	Requirements for filling and labeling.
119.68	Conditions for release and removal.

AUTHORITY: §§ 119.1 to 119.68 issued under 37 Stat. 832-833; 21 U. S. C. 151-158.

GENERAL REQUIREMENTS

§ 119.1 *Supervision of production of anti-hog-cholera serum.* No operation incident to the production of anti-hog-cholera serum at a licensed establishment shall be conducted without the knowledge or supervision of an inspector. The licensee shall notify the inspector in charge or the supervising inspector a reasonable time in advance whenever any such operations, including overtime work, are to be conducted in the licensed establishment.

§ 119.2 *Production principles; applicability of regulations.* (a) Pigs that develop hog cholera of a well-marked and progressive type attended with progressively abnormal temperatures produce hog-cholera virus of high virulence, and when hogs properly immunized against hog cholera for a sufficient length of time are injected intravenously with massive quantities of such virus, their blood serum possesses superior protective properties against hog cholera. Therefore, these facts should form the basis of all methods of producing anti-hog-cholera serum and hog-cholera virus as well as of all the regulations governing their production.

(b) The regulations in this part shall apply to all anti-hog-cholera serum, including hog-cholera antibody-concentrate, except as other provisions for such concentrate are made, with permission of the Director, in licensees' outlines submitted under § 114.2 of this subchapter.

HYPERIMMUNE HOGS

§ 119.3 *Required period of immunity.* Anti-hog-cholera serum shall be derived at licensed establishments only from hyper-immune hogs which have been immune to hog cholera for at least 90 days prior to hyperimmunization.

§ 119.4 *Health and weight when hyperimmunized.* Hogs which are used to produce anti-hog-cholera serum at licensed establishments shall be healthy at the time of hyperimmunization, and this fact shall be determined by a thorough veterinary inspection. The weight of each animal in a given group shall be determined and recorded accurately by the licensee before hyperimmunization of the group.

§ 119.5 *Dosage of virus.* All hogs which are used to produce anti-hog-cholera serum at licensed establishments shall receive, for hyperimmunization, a single intravenous injection of at least 5 cc. of hog-cholera virus for each pound of the animal's weight when injected.

§ 119.6 *Temperatures before bleeding.* The temperatures of the hogs in each group or lot used to produce anti-hog-cholera serum at licensed establishments shall be determined under normal handling conditions and recorded accurately by the licensee either on the afternoon before, or on the day of, bleeding and at such other times as the inspector may require. There shall be provided clean, light quarters equipped with a satisfactory chute and all other facilities for expediting temperature taking and veterinary inspection.

§ 119.7 *Inspection before bleeding.* All hogs which are used to produce anti-hog-cholera serum at licensed establishments shall be subjected to a thorough veterinary inspection before each bleeding. Groups containing any hogs that are lame or otherwise suspected of being affected with a vesicular disease shall be given special examination for vesicles and the like after thorough cleansing of their feet, including examination of the coronary bands, snouts, and lips. Only those hogs which are found to have a temperature of less than 104° F. and are free from any infectious, contagious, or communicable diseases or other abnormal conditions shall be bled for serum. No hyperimmune hog in a lot or group of like origin having a significant number of high temperatures or showing other abnormalities indicative of an infectious or communicable disease shall be subjected to bleeding until such conditions of the lot or group as a whole no longer exist.

§ 119.8 *Bleeding and examination.* (a) Anti-hog-cholera serum shall be derived at licensed establishments only from hyperimmune hogs which have been subjected to not more than four successive bleedings, except that additional bleedings may be authorized by the Director in emergencies. The first bleeding shall take place not earlier than the eleventh day after hyperimmunization; subsequent bleedings shall not take place more frequently than once in 7

days; and the last bleeding shall be made on a date not later than 40 days after hyperimmunization: *Provided*, That, in emergencies, final bleeding may be deferred when specifically authorized by the Director.

(b) Autopsies shall be performed at licensed establishments on hyperimmune hogs that succumb in order to obtain, if possible, information as to the cause of death. Employees of the licensed establishment, under the supervision of an inspector, shall perform the labor incident to these examinations.

(c) Anti-hog-cholera serum derived at licensed establishments from final bleedings shall be kept separate from other serum until it has been determined by post mortem examination that the hog from which the serum is derived was not so affected with any infectious, contagious, or communicable disease or in such condition as to render the serum worthless, contaminated, dangerous, or harmful.

§ 119.9 *Constitutional symptoms.* Anti-hog-cholera serum derived at licensed establishments from hogs which, after hyperimmunization, manifest symptoms indicative of an affection of a constitutional character other than those usually observed immediately following hyperimmunization shall not be mixed with other serum, unless after due consideration of the prevailing conditions, this action is permitted by a veterinary inspector. Such serum, if collected only from hogs as prescribed in § 119.8, may be prepared separately and tested as prescribed in Parts 101 to 122 of this subchapter and if, as a result of these tests, the product is found satisfactory, it may be marketed. Otherwise, the serum shall be destroyed as provided in § 108.16 of this subchapter under the supervision of an inspector.

§ 119.10 *Post mortem examination.* (a) All hogs from which anti-hog-cholera serum is derived at licensed establishments shall be subjected, after final bleeding, to a thorough post mortem examination by an inspector. If, as a result of such inspection, it is found that any hog is so affected with any infectious, contagious, or communicable disease or is in such condition as to render the serum worthless, contaminated, dangerous, or harmful, the serum collected from such hog shall be destroyed by the licensee, as provided in § 108.16 of this chapter under the supervision of an inspector.

(b) If serum-producing hogs at a licensed establishment become exhausted as a result of tail bleeding, dressing of the animals may be permitted provided they are given veterinary inspection immediately before throat bleeding and provided the animals bleed properly. The carcasses of such hogs may be dressed for food if disposition thereof is made in accordance with the meat inspection regulations (Subchapter A of this chapter). The blood of such animals may be used for serum if the tail and throat bleeding operations are such that no more time elapses between tail bleeding and throat bleeding than is necessary for removing the animals from the tail-bleeding station and restraining

them at a regular throat-bleeding station.

ANTI-HOG-CHOLERA SERUM PREPARATION PROCEDURE

§ 119.20 *Heating; time and conditions.* All anti-hog-cholera serum produced at licensed establishments shall be heated under the supervision of an inspector in such a manner as to subject the product and the entire container thereof to a temperature of 58.5° C. for 30 minutes with a tolerance of 0.5° above and below that temperature, by methods prescribed by the Director.

§ 119.21 *Heating containers.* Metal containers of a capacity not to exceed 50 liters shall be used in heating anti-hog-cholera serum at licensed establishments. Such containers shall be equipped with satisfactory agitators, and facilities for cooling and preserving the product shall also be provided. All serum shall be handled prior to heating so that practically all "foam" is eliminated before beginning the heating process and shall be properly agitated while being heated, cooled, and preserved. Each container of serum at time of heating shall be so submerged that the water line in the bath will be at least 2 inches above the upper surface of the lid. No container or other equipment intended for heating, cooling, preserving, and storing serum shall be used unless it is acceptable to the inspector in charge.

§ 119.22 *Heating and cooling; instructions.* The temperature of the bath in which serum is heated at licensed establishments shall not be permitted to exceed 62° C. The temperature of the serum shall be reduced as rapidly as possible to 15° C. or lower after heating. The temperatures of the serum and the water in the bath shall be accurately determined and recorded by the use of automatic recording thermometers. A separate recording thermometer shall be used for each container of serum during the heating and cooling operations. Such parts of heating and cooling equipment as it may be necessary to seal to insure that actual temperatures of the product and the water bath are properly recorded shall be sealed effectively by an inspector. Bulbs and other parts of thermometers which are placed within the serum container shall be submerged in a 5-percent phenol solution, or substitute permitted by the Director, at all times when not in use for taking temperatures.

§ 119.23 *Instructions for preparation of anti-hog-cholera serum—(a) Definitions.* When used in this section, the following terms shall be construed to have the meanings hereby assigned.

(1) *Group number.* The number used to identify a group of hyperimmune hogs not in excess of 175, the blood of which is clarified and identified as one lot or as a fraction of a lot.

(2) *Class of bleeding.* The bleedings of hyperimmune hogs. First, second, third, and throat or carotid bleedings shall be identified by the letters A, B, C, and D, respectively.

(3) *Working unit.* The net quantity of hyperimmune blood in each container used as a basis of clarification.

(4) *Preserved serum.* True serum and permitted clarifying solutions recovered in the centrifugation of hyperimmune blood, preserved in compliance with the regulations.

(5) *Completed serum.* A combination of the different classes of preserved serum mixed in batches in such proportions as will equalize the potency of said classes.

(6) *Finished serum.* Completed serum which is bottled, tested, and fully labeled for marketing.

(7) *Number.* The number of hyperimmunes in any group, subjected to bleeding, to supply blood of a given class.

(8) *Weight.* The total weight, at the time of hyperimmunization, of all the hogs in the group that are bled in each class.

(9) *Lot number.* The identification number of the preserved serum produced from blood collected from one or more groups consisting of a total of not more than 175 hyperimmune hogs.

(10) *Batch.* Preserved serum mixed in a single container as required by the regulations.

(11) *Division rate.* The proportion which the total quantity of preserved serum of each class of bleedings bears to the total quantity in a lot.

(12) *Remainder.* The unused preserved serum of all classes remaining after one or more batches have been prepared from a lot.

(b) *General provisions.* (1) The composition of each lot of anti-hog-cholera serum shall be recorded by the licensee on a form acceptable to the Director.

(2) The average yield of blood per pound for each class of bleedings shall be entered in the hyperimmune record in connection with the weight for the class.

(3) The quantity of blood treated with clarifying solutions in a single container shall not exceed 25,000 cc. All clarifying solutions shall be added to the working unit.

(4) All of the preserved anti-hog-cholera serum produced from the blood collected from a given group of hogs shall be placed in the same lot.

(5) The completed anti-hog-cholera serum shall consist of not less than 88 percent of true serum and not more than 12 percent of such solutions as are required for clarification of the blood and preservation of the serum, and shall represent not more than 83 percent of the defibrinated hyperimmune blood or not more than 80.51 percent of the whole hyperimmune blood used in its preparation.

(c) *Rules and factors for computing yields of anti-hog-cholera serum.* The following rules and factors shall be used by licensed establishments in computing yields of anti-hog-cholera serum. When defibrinated hyperimmune blood is used, the total quantities in the lot shall constitute the basis for making the following computations.

(1) To find the quantity of true serum in the lot, subtract the sum of the quantities of clarifying solutions and preserving solution from the total quantity of preserved serum.

(2) To find the percentage of true serum recovered from the defibrinated

blood, divide the total quantity of true serum by the total quantity of defibrinated blood used.

(3) To find the maximum production permissible when the true serum recovered represents 73.04 percent or less of the defibrinated blood used, divide the total quantity of true serum by 0.83.

(4) To find the maximum production permissible when the true serum recovered represents more than 73.04 percent of the defibrinated blood, multiply the total quantity of defibrinated blood used by 0.83. In determining the concentration of phenol solution to be selected in preserving "Serum recovered (gross)" prepared from defibrinated blood, the following table shall be used:

Serum recovered (gross) compared with defibrinated blood	True serum recovered compared with defibrinated blood	Preserving solutions (phenol) required
Percent	Percent	Percent
77.4995	73.4995	7.5
78.85	74.85	10
82.0459	78.0459	50

The figures in such table show the maximum yields that may be preserved with the different solutions without exceeding 83 percent of the defibrinated blood used, provided the clarifying solutions are exactly 4 percent of this blood. The figures for "Serum recovered (gross)" will vary as the clarifying solutions are permitted to vary from 4 percent.

(5) To find the division rates for the different classes of bleedings, divide the preserved serum in each class by the total quantity of preserved serum in the lot. Each rate shall be expressed as a decimal fraction and contain either three or six figures. A division rate of three figures may only be used, provided the last three of six figures are regarded as 1 and added to the third figure when they represent 501, or more and disregarded when they represent 500, or less. For example, 0.195501 shall be recorded and used as 0.196 and 0.184500 shall be recorded and used as 0.184.

(6) To find the percentage of true serum in the completed serum of a lot, divide the total net quantity of true serum used by the total quantity of preserved serum mixed.

(7) To find the percentage of completed serum as compared with the total quantity of defibrinated blood, divide the total quantity of completed serum by the total quantity of defibrinated blood used.

(8) To find the total weight of hyperimmune hogs used or bled, find the combined weights taken at the time of hyperimmunization for the hogs actually bled for each class of bleedings.

(9) To find the yield of defibrinated blood per pound of hyperimmune hogs, divide the total quantity of defibrinated blood collected from each class of bleedings of hyperimmune hogs by the total weight of the animals bled. The sum of these results for all bleedings combined will represent the yield of defibrinated blood per pound.

(10) To find the yield of completed serum per pound of hyperimmune hogs, divide the total quantity of completed

serum by the total pounds of hyperimmune hogs used.

(d) *Preparing batches.* The following instructions shall be observed by licensed establishments in preparing batches of anti-hog-cholera serum:

(1) When not more than one batch of completed serum is to be prepared from the lot: Determine the net quantity of preserved serum mixed and the loss in handling.

(2) When two or more batches not to exceed 300,000 cc. each of completed serum equal or approximately equal in size are to be prepared from the lot: Divide the quantity of preserved serum of each class of bleedings in the lot by the number of batches that are to be prepared. The quotient will show the quantity of preserved serum of each class required for each batch. Proceed in the preparation of each batch as outlined in this section.

(3) When one or more batches of completed serum and a remainder are to be prepared from the lot: Determine the quantity of preserved serum of each class of bleedings required to make a batch of approximately 300,000 cc. of completed serum, and multiply the total quantity of preserved serum required by the division rate for each class. The results will show the quantity of preserved serum of each class required. Proceed with the preparation of the batch as outlined in this section. Proceed with the preparation of as many additional batches approximating 300,000 cc. each as may be possible from the lot as outlined in this section. The unused portions of a lot when they aggregate less than 300,000 cc. may be mixed together and tested and marketed as a batch, or shall be identified as "Remainder of Lot No. ____" and be made a part of the next batch mixed.

(4) When more than one batch of completed serum is to be prepared from the lot and a remainder is to be used: Determine the quantity of preserved serum of each class required to make a fraction of a batch of completed serum which, when added to the remainder, will approximate 300,000 cc., by subtracting from 300,000 cc. the quantity of preserved serum derived from the remainder. The difference will show the theoretical quantity of preserved serum that may be added to the remainder to make a batch of approximately 300,000 cc. of completed serum. Proceed with the preparation of the fraction of the batch as outlined in this section. Add the remainder to the completed fraction of the batch to find the quantity of completed serum in the batch. Proceed with the preparation of as many additional batches approximating 300,000 cc. each as may be possible from the lot as outlined in this section.

(5) When only one batch of completed serum is to be prepared from the lot and a remainder is to be used: Prepare the fractional part of the batch as outlined in this section. Add the remainder to the fraction to find the quantity of completed serum in the batch.

(6) Batches larger than 300,000 cc.: Such batches shall be prepared by mixing in a single container all preserved serum derived from one or more properly

identified whole groups totaling not more than 175 hogs.

§ 119.24 *Batches; determination of quantity.* Anti-hog-cholera serum which is to constitute a batch or portion thereof may be strained into a single container, after which the quantity should be accurately determined.

§ 119.25 *Preservatives.* (a) Anti-hog-cholera serum produced at licensed establishments shall have added thereto a sufficient quantity of a 7½ percent solution of phenol to make the completed serum consist one-half of 1 percent of phenol by volume: *Provided*, That either a 10 percent phenol solution or a solution containing equal parts by weight of phenol and ether may be used when yields or methods require this as a means to keep the total quantity of serum produced from a given quantity of blood within requirements of the regulations. When a 10 percent phenol solution is used, at least 10 percent of its volume shall be glycerin.

(b) To preserve serum properly, the following procedure shall be observed:

(1) When a 7.5 percent solution is used, divide the quantity of serum by 14.

(2) When a 10 percent solution is used, divide the quantity of serum by 19.

(3) When the phenol-ether solution, mentioned above, is used, divide the quantity of serum by 86.

(c) Phenolization of anti-hog-cholera serum must be accomplished with accuracy, and in a manner which will prevent occurrence of undesirable changes in the product.

(d) Merthiolate may also be added to anti-hog-cholera serum in a solution in such proportions that the merthiolate will equal a 1-10,000 concentration of the serum recovered gross. Such addition must be compensated for by using a higher concentration of phenol solution as prescribed in this section. The quantity of product obtained by the addition of phenol solution plus the merthiolate shall not exceed the maximum amount permissible by the use of seven and one-half percent phenol solution alone or 83 percent of the defibrinated blood, whichever is less.

(e) In every case the concentration and quantity of each solution used in preserving the serum shall be recorded by the licensee.

§ 119.26 *Mixing and holding.* Anti-hog-cholera serum, prior to testing, at licensed establishments shall be thoroughly mixed in a single container into batches of not more than 300,000 cc. composed of proper proportions of the different classes of bleedings as provided in the regulations: *Provided, however*, That larger batches may be prepared by mixing in a single container all serum derived from one or more properly identified whole groups of hyperimmune hogs totaling not more than 175 hogs. Until the serum is released by an inspector, it shall be held under Division lock except when being processed.

§ 119.27 *Samples.* After a batch of anti-hog-cholera serum is thoroughly mixed in a single container, at a licensed establishment, a representative sample consisting of at least 300 cc. shall be col-

lected in three containers of not less than 100 cc. each, to be known as the "serum test sample." This sample shall be taken, properly labeled, marked by an inspector, and held under Division lock. One of the three containers shall be marked "stock sample" and held under Division lock for at least 6 months after the latest expiration date shown on the labels affixed to the immediate or true containers of the serum of which this sample is a part.

§ 119.28 *Disposition of samples.* Unused samples of anti-hog-cholera serum prepared at licensed establishments on which the expiration date has passed 6 months previously may be labeled and marked in the regular manner, provided this procedure is approved by the inspector in charge and the serum is at that time tested and found satisfactory for potency and purity, and such labeling and marking is done within 3 years after the oldest serum in the batch is collected. When these conditions are not met, and it is desired to market the serum, the samples shall be mixed and assigned a serial number. This mixture may be tested alone or it may be mixed with other untested serum and tested as prescribed in the regulations: *Provided*, That the samples shall not constitute more than 50 percent of the serum contained in the final mixture. The expiration date to be affixed to the containers of mixtures of unused samples shall not exceed 1 year from the date of conclusion of a satisfactory test for potency.

TESTING ANTI-HOG-CHOLERA SERUM

§ 119.50 *Tests required.* All anti-hog-cholera serum produced at licensed establishments shall be tested for purity and potency as prescribed by Parts 101 to 122 of this subchapter. Special tests may be authorized by the Director under § 114.2 of this subchapter.

§ 119.51 *Test pigs.* Licensees shall furnish all pigs used in testing anti-hog-cholera serum. Eight healthy pigs, susceptible to hog cholera and weighing not less than 40 pounds nor more than 115 pounds each, shall be used for testing each batch of serum consisting of 300,000 cc. or less. Batches consisting of more than 300,000 cc. shall be tested on 11 such pigs instead of 8. The inspector supervising the test shall indicate the pigs which shall receive anti-hog-cholera serum with hog cholera virus and those which shall receive the virus only.

§ 119.52 *Dosage in tests.* Each pig furnished at licensed establishments for testing anti-hog-cholera serum shall be injected with 2 cc. of hog-cholera virus. Three pigs in each test shall receive no serum and shall serve as controls. The remaining pigs in the test shall receive 15 cc. each of the serum to be tested, except that pigs weighing more than 90 pounds may receive 20 cc. The virus and serum injections shall be made simultaneously, the virus being injected in the left axillary space, and the serum in the right. Each of the pigs in the test shall be injected with virus of the same serial number, the virus to be selected and administered by an inspector.

§ 119.53 *Handling test pigs.* All surviving pigs used for testing a batch of serum at a licensed establishment shall be subjected to the same conditions throughout the test period and shall be held in a single pen or inclosure throughout this period, except that when it is evident that a particular serum test will be declared "no test" or "unsatisfactory for potency," the test pigs, with the permission of the supervising inspector, may be removed from the original test pen and placed with other pigs of the same class in a common pen for the purpose of releasing pen space for other tests.

§ 119.54 *Observation and holding period; test pigs.* The period for holding surviving pigs under the observation of an inspector, at licensed establishments, while being used for testing the potency and purity of anti-hog-cholera serum as described in the regulations, shall be not less than 14 days immediately following their inoculation for this purpose and as much longer as the inspector in charge deems necessary to render proper judgment on the results of the tests. Such pigs shall not be removed from the test unless and until released by the supervising inspector, who will permit their removal only after they have served their purpose in the prescribed tests.

§ 119.55 *Temperatures; test pigs.* The temperature of each pig used in a test of anti-hog-cholera serum at licensed establishments shall be taken and recorded shortly before such test is started. Temperatures of control pigs and "slow" or sick serum-treated pigs in serum tests, except known "unsatisfactory tests" and "no tests," shall be taken and recorded daily throughout the test period on regular work days and such other days as the inspector in charge may direct when it appears desirable for proper disposition of the test. When pigs in tests do not manifest "slowness" or symptoms of sickness, their temperatures need not be taken except when required by the inspector in charge to determine more accurately the physical condition of the animals under observation.

§ 119.56 *Virus required.* Simultaneous virus or its equivalent, as described in § 118.3 of this subchapter, in sufficient quantities to meet the needs shall be furnished by licensed establishments for use as the inspector in charge may deem advisable for inoculating pigs in serum tests. Hog-cholera virus furnished by the Division shall be used in inoculating pigs in tests whenever the inspector in charge deems this procedure advisable, and whenever conditions in previous tests of any batch of serum have indicated some deficiency in either the virus or serum used.

§ 119.57 *Principle for judging results of tests.* (a) The following principle and the rules in § 119.58 are to be used as guides in judging the results of serum tests at licensed establishments:

(1) It is practically impossible in many cases to differentiate accurately between hog cholera, pneumonia, and other conditions affecting hogs without the aid of an autopsy as well as labora-

tory techniques and experiments to determine the causative agent responsible for the condition. Therefore, when healthy pigs are selected for testing anti-hog-cholera serum any abnormal condition in the pigs subsequent to their inoculation shall be regarded as due either to the virus used or, in serum-treated pigs, to the fact that the serum does not protect, unless the condition is definitely known or can be shown to be due to some other cause.

§ 119.58 *Rules for judging results of test.* The following rules shall apply at licensed establishments in judging anti-hog-cholera serum tests described in the regulations.

(a) *Control pigs.* The purpose of control pigs in serum tests is to furnish information as to the virulence of the virus used for inoculating the animals and to indicate whether the pigs furnished are susceptible to hog cholera. As an aid in determining the fulfillment of this purpose the following conditions shall obtain:

(1) At least two of the control pigs shall become visibly sick of hog cholera subsequent to the third day of the test period or the fourth day, if the third day falls on a Sunday or holiday, and within 7 days after the test is begun.

(2) At least two of the control pigs which become sick as described in subparagraph (1) of this paragraph shall manifest well-marked and increasingly grave symptoms of hog cholera attended with progressively abnormal temperatures common to the acute type of this disease.

(3) At least two of the control pigs which become sick as described in subparagraphs (1) and (2) of this paragraph shall show lesions upon post mortem examination sufficient for the inspector to make a positive diagnosis of hog cholera, when considered with the ante mortem behavior of these animals.

(b) *Test; conditions under which serum to be declared "satisfactory for potency."* Serum will be declared "satisfactory for potency" when at least two of the control pigs react as described in paragraph (a) of this section and either of the following conditions obtains:

(1) All the serum-treated pigs remain well throughout the test period.

(2) One or more of the serum-treated pigs become visibly sick after the time of inoculation and all fully recover before the test animals are released by the inspector. Such sick pigs, however, will not be regarded as fully recovered until they have been in an apparently normal condition for at least 3 consecutive days.

(c) *Test; conditions under which serum to be declared "unsatisfactory for potency."* Serum will be declared "unsatisfactory for potency" when at least two of the control pigs react as described in paragraph (a) of this section and the following condition obtains:

(1) One or more of the serum-treated pigs become visibly sick subsequent to the third day after the time of inoculation, or the fourth day, if the third day falls on a Sunday or holiday, and fail to recover fully before the test animals are released by the supervising inspector.

(d) *Test; conditions under which serum to be declared "no test for potency."* Serum will be declared "no test for potency" when any one of the following conditions obtains, but such action will not prevent a retest under the provisions of the regulations:

(1) One or more of the serum-treated pigs become visibly sick on or before the third day after the time of inoculation, or the fourth day, if the third day falls on a Sunday or holiday, and fail to recover within the test period.

(2) Two or more of the control pigs become visibly sick on or before the third day after the time of inoculation, or the fourth day, if the third day falls on a Sunday or holiday.

(3) Two or more of the control pigs do not manifest symptoms of hog cholera as described in paragraph (a) of this section.

(4) Two or more of the control pigs do not show lesions of hog cholera upon post mortem examination as described in paragraph (a) of this section.

(5) Two or more of the control pigs manifest symptoms of hog cholera within 7 days as described in paragraph (a) of this section but do not become sick to the degree described in said paragraph.

(6) Any of the serum-treated pigs develop, during the test period, symptoms of any infectious, contagious, or communicable disease (other than hog cholera) which is not caused by the serum used.

(7) A condition obtains in any of the test pigs which is not otherwise covered in this section.

(e) *Test; when serum to be declared "satisfactory for purity."* Serum will be declared "satisfactory for purity" when the following condition obtains:

(1) Not more than one of the serum-treated pigs in a test develops an abscess at the site of the serum injection and no symptoms of any infectious, contagious, or communicable disease other than hog cholera are manifested by any of the animals in the test.

(f) *Test; conditions under which serum to be declared "unsatisfactory for purity."* Serum will be declared "unsatisfactory for purity" when either of the following conditions obtains:

(1) Abscesses which are not definitely known to be due to causes other than the serum used develop at the sites of the serum injections in more than one of the serum-treated pigs.

(2) During the test period any of the serum-treated test pigs develop symptoms of any infectious, contagious, or communicable disease (other than hog cholera) which is due to the serum used.

(g) *Test; conditions under which serum to be declared "no test for purity."* Serum will be declared "no test for purity" when any one of the following conditions obtains, but such action will not prevent a retest under the provisions of the regulations.

(1) Two or more of the serum-treated pigs succumb within 14 days after the time of inoculation.

(2) Any of the serum-treated pigs develop, during the test period, symptoms

of any infectious, contagious, or communicable disease (other than hog cholera) which is not caused by the serum used.

(3) A condition obtains in any of the test pigs which is not otherwise covered in this section.

§ 119.59 *Retests when serum found "unsatisfactory for potency."* When a test of anti-hog-cholera serum, prepared at a licensed establishment, has shown it to be "unsatisfactory for potency," the serum may be tested again as prescribed in § 119.51. Should this retest show the serum to be "unsatisfactory for potency" it may be so retested again, and if still found "unsatisfactory for potency" the serum shall be destroyed or otherwise disposed of as prescribed by the Director.

§ 119.60 *Tests for purity.* Should abscesses develop at the sites of the serum inoculations in any of the pigs used at licensed establishments for testing serum as provided in this part, the following rules shall apply:

(a) Judgment of the results of tests made on pigs to determine the potency of anti-hog-cholera serum will be rendered irrespective of conditions found which are regarded as an index to the purity of the product.

(b) If anti-hog-cholera serum upon testing is declared "satisfactory for purity," and it is found necessary to subject the batch of serum to a retest to determine its potency, judgment concerning the purity of the product shall be based on the first test unless evidence is found subsequent to such test which indicates that the serum is contaminated.

§ 119.61 *Retests for purity.* (a) When anti-hog-cholera serum prepared at a licensed establishment has once been found "unsatisfactory for purity," as defined in § 119.58, it may be tested again for purity on eight pigs, provided each pig receives a single injection, in the axillary space, of at least 20 cc. of the product.

(b) When anti-hog-cholera serum produced at a licensed establishment has twice been found "unsatisfactory for purity," as defined in § 119.58, but is "satisfactory for potency," as provided in § 119.58, it may be tested again to ascertain whether it is contaminated with pus-producing organisms by treating 50 hogs on the premises of the licensed establishment. The serum shall be administered under the supervision of an inspector, and each hog treated shall receive a single injection, in the axillary space, of not less than 25 cc. of the product to be tested. Serum tested as provided in this paragraph shall be destroyed or otherwise disposed of or used as prescribed by the Director.

§ 119.62 *Purity test animals; holding period.* Animals used for testing serum as provided in § 119.61 at licensed establishments shall be held under the supervision of an inspector for at least 14 days, and be carefully examined at the sites of inoculations to determine whether the serum has caused abscess formation.

§ 119.63 *Minimum dosage.* When anti-hog-cholera serum produced at licensed establishments, upon testing as provided in Parts 101 to 122 of this subchapter, is found "satisfactory for potency" and "satisfactory for purity," the product may be marketed if it is recommended for use in doses not less than those appearing in the following table:

Weight:	Minimum dose (cc)
Suckling pigs.....	20
Pigs 20 to 40 pounds.....	30
Pigs 40 to 90 pounds.....	35
Pigs 90 to 120 pounds.....	45
Hogs 120 to 150 pounds.....	55
Hogs 150 to 180 pounds.....	65
Hogs 180 pounds and over.....	75

§ 119.64 *Marking anti-hog-cholera serum "U. S. Released."* Each immediate or true container of anti-hog-cholera serum produced at a licensed establishment, and which has been tested and found not to be worthless, contaminated, dangerous, or harmful may have a cap affixed which, if approved by the Director, may bear the words "U. S. Released." These caps shall be affixed to the aforesaid containers only under the supervision of an inspector and shall be held under Division lock except when needed for this purpose.

§ 119.65 *Expiration date.* The expiration date shown on labels of anti-hog-cholera serum produced at licensed establishments shall not exceed 3 years from the date on which the first serum of the batch is collected, except as provided in § 119.66.

§ 119.66 *Extension of expiration date.* Should the expiration date of any batch of anti-hog-cholera serum produced at licensed establishments expire before the serum is used, the serum may be retested, and if found "satisfactory for potency" and "satisfactory for purity," as defined in § 119.58 (b) and (c), the expiration date may be extended for 1 year from the date of conclusion of the retest for potency. Should a batch of anti-hog-cholera serum not be found "satisfactory for potency" or "satisfactory for purity" before the expiration of 3 years from the date of collection of the oldest serum in the batch, or should it not be so found in time to allow it to be used before the expiration of said 3 years, the expiration date will be limited to 6 months from the date of conclusion of a satisfactory test for potency.

§ 119.67 *Requirements for filling and labeling.* No immediate or true container of anti-hog-cholera serum shall be filled in whole or in part, and no label shall be affixed to such a container at licensed establishments, except under the supervision of an inspector.

§ 119.68 *Conditions for release and removal.* Anti-hog-cholera serum shall not be removed from the premises of a licensed establishment unless it has been prepared as required by Parts 101 to 122 of this subchapter and no such serum shall be released for marketing unless and until all the information required by Parts 101 to 122 of this subchapter has been affixed to the containers thereof under the supervision of an inspector.

PART 121—ADMISSION OF BIOLOGICAL PRODUCTS AND MATERIALS TO LICENSED ESTABLISHMENTS

- Sec.
121.1 Requirements re admission of biological products, etc., to licensed establishments.
121.2 Division virus and serum.
121.3 Virus from outbreaks.
121.4 Transportation between licensed establishments.

AUTHORITY: §§ 121.1 to 121.4 issued under sec. 2, 32 Stat. 792, as amended, 37 Stat. 832-833; 21 U. S. C. 151-158.

§ 121.1 *Requirements re admission of biological products, etc., to licensed establishments.* Except as specifically authorized by Parts 101 to 122 of this subchapter, no biological product which has not been prepared, handled, stored, and marked in accordance with Parts 101 to 122 of this subchapter and no biological product which is worthless, contaminated, dangerous, or harmful shall be brought onto the premises of any licensed establishment.

§ 121.2 *Division virus and serum.* Hog-cholera virus and anti-hog-cholera serum prepared by the Division will be admitted to licensed establishments for use as prescribed in Parts 101 to 122 of this subchapter or as may be approved by the Director.

§ 121.3 *Virus from outbreaks.* Hog-cholera virus procured from outbreaks of hog cholera on farms that are free from other communicable diseases will be admitted to licensed establishments by the inspector in charge when requested by the licensee for use in propagating a new strain of virus for inoculating purposes. Before such virus is used in the production of simultaneous virus or hyperimmunizing virus, it shall be injected into pigs weighing from 40 to 90 pounds to determine whether the purity and virulence of the product are satisfactory. The virus shall be passed through pigs as provided in Parts 101 to 122 of this subchapter until its virulence and purity are satisfactory; otherwise, the product shall be destroyed as provided in § 108.16 of this subchapter.

§ 121.4 *Transportation between licensed establishments.* Anti-hog-cholera serum and hog-cholera virus, spleens, and other organs, collected in licensed establishments, and suitable for use under Parts 101 to 122 of this subchapter, may be transported from one licensed establishment to another or between units of the same establishment provided these products are properly packed. Such products and materials must be packed or iced so that a proper temperature will be maintained during transportation. The containers shall be sealed by an authorized inspector, and such seals shall be broken only by such an inspector at the point of destination; otherwise, the products and materials shall be refused admission at the licensed establishment to which transported.

PART 122—ORGANISMS AND VECTORS

- Sec.
122.1 Permits required.
122.2 Application for permits.
122.3 Suspension or revocation of permits.

No. 249—25

AUTHORITY: §§ 122.1 to 122.3 issued under sec. 2, 32 Stat. 792, as amended, 37 Stat. 832-833; 21 U. S. C. 151-158.

§ 122.1 *Permits required.* No organisms or vectors shall be imported into the United States or transported from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia without a permit issued by the Secretary and in compliance with the terms thereof: *Provided*, That no permit shall be required under this section for importation of organisms for which an import permit has been issued pursuant to Part 102 of this subchapter or for transportation of organisms produced at establishments licensed under Part 102 of this subchapter. As a condition of issuance of permits under this section, the permittee shall agree in writing to observe the safeguards prescribed by the Director for public protection with respect to the particular importation or transportation. Permits shall be numbered and shall be in the following form:

UNITED STATES VETERINARY PERMIT NO. -----
ORGANISMS OR VECTORS

Washington, D. C. -----

Under authority of Act of Congress approved February 2, 1903 (32 Stat. 792, 21 U. S. C. 151) and Act of Congress approved March 4, 1913 (37 Stat. 832-833, 21 U. S. C. 151-158), ----- is hereby authorized, so far as the jurisdiction of the Department of Agriculture is concerned, to (import or transport) ----- from ----- to ----- via -----

This permit is issued under authority contained in § 122.1, Subchapter E, Chapter I, Title 9 CFR, and on the basis of the signed agreement of the permittee to use the organisms and their derivatives, or vectors, only for the purpose specified therein, and to dispose of them as directed by the Animal Inspection and Quarantine Division.

Secretary of Agriculture

Countersigned:

Director, Animal Inspection and Quarantine Division

§ 122.2 *Application for permits.* The Secretary may issue, at his discretion, a permit as specified in § 122.1 when proper safeguards are set up as provided in § 122.1 to protect the public. Application for such a permit shall be made in advance of shipment, and each permit shall specify the name and address of the consignee, the true name and character of each of the organisms or vectors involved, and the use to which each will be put.

§ 122.3 *Suspension or revocation of permits.* (a) Any permit for the importation or transportation of organisms or vectors issued under this part may be formally suspended or revoked after opportunity for hearing has been accorded the permittee, as provided in Part 123 of this subchapter, if the Secretary finds that the permittee has failed to observe the safeguards and instructions prescribed by the Director with respect to the particular importation or transportation or that such importation or transportation for any other reason may re-

sult in the introduction or dissemination from a foreign country into the United States, or from one State, Territory or the District of Columbia to another, of the contagion of any contagious, infectious or communicable disease of animals (including poultry).

(b) In cases of willfulness or where the public health, interest or safety so requires, however, the Secretary may without hearing informally suspend such a permit upon the grounds set forth in paragraph (a) of this section, pending determination of formal proceedings under Part 123 of this subchapter for suspension or revocation of the permit.

PART 123—RULES OF PRACTICE

- Sec.
123.1 Definitions.
123.2 Proceedings to which rules apply.
123.3 Procedure prior to institution of formal proceedings.
123.4 Stipulations and consent orders.
123.5 Order to show cause.
123.6 Answer.
123.7 Motions and requests.
123.8 Examiners.
123.9 Prehearing conferences.
123.10 Oral hearing before examiner.
123.11 Depositions.
123.12 The examiner's report.
123.13 The shortened procedure.
123.14 Transmittal of record.
123.15 Argument before Secretary.
123.16 Preparation and issuance of order.
123.17 Applications for reopening hearings; for rehearings or rearguments of proceedings; or for reconsideration of orders.
123.18 Hearings before Secretary.
123.19 Filing; service; extensions of time; additional time for filing; and computation of time.

AUTHORITY: §§ 123.1 to 123.19 issued under sec. 2, 32 Stat. 792, as amended, 37 Stat. 832-833; 21 U. S. C. 151-158.

§ 123.1 *Definitions.* The following words, when used in this part, shall be construed, respectively, to mean:

(a) *Virus-Serum-Toxin Act.* The act of Congress of March 4, 1913, 37 Stat. 832-833, 21 U. S. C. 151-158.

(b) *Section 2 of the act of February 2, 1903.* Section 2 of the act of Congress of February 2, 1903, 32 Stat. 791, as amended, 21 U. S. C. 151.

(c) *Regulations.* The provisions in Parts 101 through 122 of this subchapter.

(d) *Department.* The United States Department of Agriculture.

(e) *Division.* Animal Inspection and Quarantine Division of the Department.

(f) [Reserved]

(g) *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(h) *Director.* The Director of the Division or any other officer or employee of the Division to whom authority has heretofore lawfully been delegated, or may hereafter lawfully be delegated, to act in his stead.

(i) *Licensee.* A person to whom a license to manufacture biological products has been issued under the regulations.

(j) *Permittee.* A person to whom a permit to import or transport biological products or organisms or vectors has been issued under the regulations.

(k) *Hearing clerk.* The Hearing clerk, United States Department of Agriculture, Washington, D. C.

(l) *Examiner.* Any examiner in the Office of Hearing Examiners, United States Department of Agriculture.

(m) *Complainant.* The party upon whose order to show cause a formal proceeding is instituted.

(n) *Respondent.* The party proceeded against.

(o) *Hearing.* That part of a proceeding under the rules in this part which involves the submission of evidence, either orally or in writing.

(p) *Examiner's report.* The examiner's report to the Secretary, including the examiner's proposed (1) findings of fact and conclusions with respect to all material issues of fact, law, or discretion, as well as the reasons or basis therefor, (2) order, and (3) rulings on findings, conclusions, and orders submitted by the parties.

(q) *Biological products.* All viruses, serums, toxins, and analogous products, such as antitoxins, vaccines, tuberculins, malleins, live microorganisms, killed microorganisms, and products of microorganisms, intended for use in the treatment of domestic animals, including the diagnosis or detection of diseases of such animals.

(r) *Organisms.* All cultures or collections of organisms or their derivatives, which may introduce or disseminate any contagious or infectious disease of animals (including poultry).

(s) *Vectors.* All animals (including poultry), such as mice, pigeons, guinea pigs, rats, ferrets, rabbits, chickens, dogs, and the like, which have been treated or inoculated with organisms, or which are diseased or infected with any contagious, infectious, or communicable disease of animals or poultry or which have been exposed to any such disease.

§ 123.2 *Proceedings to which rules apply.* The rules of practice in this part shall apply to formal proceedings for the suspension or revocation of licenses or permits under the regulations and, in so far as appropriate, to proceedings against a representative of any party under § 123.10 (c) (1).

§ 123.3 *Procedure prior to institution of formal proceedings.* In all cases except those involving willfulness or in which the public health, interest, or safety otherwise requires, prior to the institution of a formal proceeding under this part, the Director, in an effort to effect an amicable or informal adjustment of the matter, shall give written notice to the licensee, permittee, or other person involved, of the facts or conduct which appear to warrant institution of such a proceeding and shall afford such person an opportunity, within a reasonable time fixed by the Director, to demonstrate or achieve compliance with the applicable requirements of the Virus-Serum-Toxin Act, section 2 of the act of February 2, 1903, and the regulations. In any case in which compliance is

demonstrated or achieved, no formal proceeding shall be instituted.

§ 123.4 *Stipulations and consent orders—(a) Stipulation of compliance.* At any time prior to the issuance of the order to show cause in any proceeding, the Secretary, in his discretion, may enter into a stipulation with the prospective respondent, whereby the latter admits the material facts and agrees to discontinue the acts or practices complained of. Such stipulations shall be admissible as evidence of such acts and practices in any subsequent proceeding against such person before the Secretary.

(b) *Consent order.* At any time after the issuance of the order to show cause and prior to the hearing in any proceeding, the Secretary, in his discretion, may allow the respondent to consent to an order. Upon a record composed of the order to show cause and a stipulation made for the record by the respondent consenting to the order and admitting at least those facts necessary to the Secretary's jurisdiction, the Secretary may enter the order consented to by the respondent, which shall have the same force and effect as an order made after oral hearing.

§ 123.5 *Order to show cause—(a) Filing, service, and contents.* If a case is not disposed of under the procedure described in § 123.3 or § 123.4 (a), the Director may institute formal proceedings by filing an order to show cause, in triplicate, with the hearing clerk, who promptly shall serve a true copy thereof upon the respondent, as provided in § 123.19 (b). The order to show cause shall be addressed to the respondent, shall state briefly and clearly the allegations of fact which constitute a basis for the proceeding, and the legal authority and jurisdiction under which the proceeding is instituted, and shall specify with particularity the matters in issue. The order to show cause shall not include charges, implied charges, or requirements phrased generally in the words of the Virus-Serum-Toxin Act or the Act of February 2, 1903, but such acts may be identified and quoted or used in preliminary recitals.

(b) *Amendments.* At any time prior to the close of the hearing, the order to show cause may be amended, but, in case of an amendment adding new provisions, the hearing shall, at the request of the respondent, be adjourned for a period not exceeding 15 days. Amendments subsequent to the first amendment or subsequent to the filing of an answer by the respondent may be made only with leave of the examiner or with the written consent of the adverse party.

(c) *Docketing.* Each proceeding immediately following its institution shall be assigned a docket number by the hearing clerk, and thereafter the proceeding shall be referred to by such number.

§ 123.6 *Answer—(a) Filing and service.* Within 20 days after service of the order to show cause, the respondent shall file, in triplicate, with the hearing clerk, an answer, signed by the respondent or his attorney: *Provided,* That the Secretary may order that the hearing be held

without answer or other pleading. The answer shall be served upon the complainant, and any other party of record, in the manner provided in § 123.19 (b).

(b) *Contents; failure to file answer.* (1) The answer shall (i) contain a statement of the facts which constitute the grounds of defense, and shall specifically admit, deny, or explain each of the allegations of the order to show cause unless respondent is without knowledge, in which case the answer shall so state; or (ii) state that the respondent admits all of the allegations of the order to show cause. The answer may contain a waiver of hearing.

(2) Failure to file an answer to or plead specifically to any allegation of the order to show cause shall constitute an admission of such allegation.

(c) *Admission of facts.* The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the order to show cause shall constitute a waiver of hearing. Upon such admission of facts, the examiner, without further investigation or hearing, shall prepare his report, in which he shall adopt as his proposed findings of fact the material facts alleged in the order to show cause. Unless the parties have waived service of the examiner's report, it shall be served upon them in the manner provided in § 123.19 (b). The parties shall be given an opportunity to file exceptions to the report, to file briefs in support of such exceptions, and to make oral argument thereon before the Secretary. Any request to make oral argument before the Secretary must be filed in the manner and within the time provided in § 123.15.

§ 123.7 *Motions and requests.* Any motion will be entertained except a motion to dismiss on the pleadings. All motions and requests shall be filed in triplicate with the Hearing Clerk, except that those made during the course of an oral hearing may be filed with the examiner or may be stated orally and made a part of the transcript. The examiner is authorized to rule upon all motions and requests filed or made prior to the filing of his report with the Hearing Clerk as hereinafter provided in this part. The Secretary will rule upon all motions and requests filed after that time. The submission of any motion, request, objection, or other question to the Secretary prior to the time when the examiner's report is filed with the Hearing Clerk shall be in the discretion of the examiner.

§ 123.8 *Examiners—(a) Assignment.* No examiner shall be assigned to serve in any proceeding who (1) has any pecuniary interest in any matter or business involved in the proceeding, (2) is related within the third degree by blood or marriage to any party to the proceeding, or (3) has participated in the investigation preceding the institution of the proceeding, or in the determination that it should be instituted, or in the preparation of the order to show cause, or in the development of the evidence to be introduced therein.

(b) *Disqualification.* (1) Any party may file with the hearing clerk a timely

affidavit of disqualification of the examiner, which shall set forth with particularity the grounds of alleged disqualification. After such investigation or hearing as the Secretary shall deem necessary, he may find the affidavit without merit or may direct that another examiner be assigned to the proceeding. Where the affidavit is found without merit, the affidavit, any record made thereon, and the finding and order of the Secretary shall be made a part of the record.

(2) An examiner shall ask to be withdrawn from any proceeding in which he deems himself disqualified for any reason.

(c) *Conduct.* The examiner shall conduct the proceeding in a fair and impartial manner, and save to the extent required for the disposition of ex parte matters as authorized by law, he shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate.

(d) *Powers.* Subject to review by the Secretary as provided elsewhere in this part, the examiner, in any proceeding assigned to him, shall have power to: (1) Rule upon motions and requests; (2) set the time and place of hearing, adjourn the hearing from time to time and change the time and place of hearing; (3) administer oaths and affirmations and take affidavits; (4) examine witnesses and receive evidence; (5) take or order, under the facsimile signature of the Secretary, the taking of, depositions; (6) admit or exclude evidence; (7) hear oral argument on facts or law; and (8) do all acts and take all measures necessary for the maintenance of order and the efficient conduct of the proceeding.

(e) *Who may act in absence of the examiner.* In case of the absence of the examiner or his inability to act, the powers and duties to be performed by him under this part in connection with a proceeding assigned to him may, without abatement of the proceeding unless otherwise directed by the Secretary, be assigned to any other examiner.

§ 123.9 *Prehearing conferences.* In any proceeding in which it appears that such procedure will expedite the proceeding, the examiner, at any time prior to the commencement of the oral hearing, may request the parties or their counsel to appear at a conference before him to consider (a) the simplification of issues; (b) the necessity or desirability of amendments to pleadings; (c) the possibility of obtaining stipulations of fact and of documents which will avoid unnecessary proof; (d) the limitation of the number of expert or other witnesses; and (e) such other matters as may expedite and aid in the disposition of the proceeding. No transcript of such conference shall be made, but the examiner shall prepare and file for the record a written summary of the action taken at the conference, which shall incorporate any written stipulations or agreements made by the parties at the conference or as a result of the conference. If the circumstances are such that a conference is impracticable, the examiner may request the parties to correspond with him

for the purpose of accomplishing any of the objects set forth in this section. The examiner shall forward copies of letters and documents to the parties as the circumstances require. Correspondence in such negotiations shall not be a part of the record, but the examiner shall submit a written summary for the record if any action is taken.

§ 123.10 *Oral hearing before examiner—(a) Request for oral hearing.* Any party may request an oral hearing on the facts by including such request in the order to show cause or the answer or by a separate request in writing filed with the hearing clerk. Failure to request an oral hearing within the time allowed for the filing of the answer shall constitute a waiver of such hearing, and the party so failing to request an oral hearing will be deemed to have agreed that the proceeding may be decided upon a record formed under the shortened procedure provided in § 123.13. Waiver of oral hearing shall not be deemed to be a waiver of the right to make oral argument before the Secretary upon exceptions to the examiner's report. Such argument will be allowed in accordance with the provisions of § 123.15.

(b) *Time and place.* If and when the proceeding has reached the stage where an oral hearing is to be held, the examiner, giving careful consideration to the convenience of the parties, shall set a time and place for hearing and shall file with the hearing clerk a notice stating the time and place of hearing. If any change in the time or place of the hearing is made, the examiner shall file with the hearing clerk a notice of such change, which notice shall be served upon the parties, unless the change is made during an oral hearing and made a part of the transcript.

(c) *Appearances—(1) Representation.* In any proceeding under the regulations, the parties may appear in person or by counsel or other representative. The Director, if represented by counsel, shall be represented by an attorney assigned by the Solicitor of the Department. Persons who appear as counsel or in any other representative capacity at a hearing must conform to the standards of ethical conduct required of practitioners before the courts of the United States. Whenever the Secretary finds, after notice and opportunity for hearing, that a person, who is acting or has acted as counsel or other representative for another person in any proceeding before the Secretary, is unfit to act as such counsel or other representative, he will order that such person be precluded from acting as counsel or other representative in any proceeding under this part. The procedure in such case will be governed by the applicable provisions of the rules of practice in this part.

(2) *Failure to appear.* (i) If any party to the proceeding, after being duly notified, fails to appear at the hearing, he shall be deemed to have waived the right to an oral hearing in the proceeding. In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present shall have an election whether to present his evidence, in whole or in part,

in the form of affidavits or by oral testimony before the examiner.

(ii) Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the examiner's report and to file exceptions and make oral argument before the Secretary with respect thereto, in the manner provided hereinafter.

(d) *Order of proceeding.* Except as may be determined otherwise by the examiner, the complainant shall proceed first at the hearing.

(e) *Evidence—(1) In general.* (i) The testimony of witnesses at a hearing shall be upon oath or affirmation and subject to cross-examination.

(ii) Any witness may, in the discretion of the examiner, be examined separately and apart from all other witnesses except those who may be parties to the proceeding.

(iii) The examiner shall exclude evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

(2) *Objections.* (i) If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the examiner. The transcript shall not include argument or debate thereon except as ordered by the examiner. The ruling of the examiner on any objection shall be a part of the transcript.

(ii) Only objections made before the examiner may subsequently be relied upon in the proceeding.

(3) *Depositions.* The deposition of any witness shall be admitted, in the manner provided in and subject to the provisions of § 123.11.

(4) *Affidavits.* Except as is otherwise provided in the rules in this part, affidavits may be admitted only if the evidence is otherwise admissible and the parties agree that affidavits may be used.

(5) *Proof of documents.* A true copy of every written entry in the records of the Department, made by an officer or employee thereof in the course of his official duty, and relevant to the issues involved in the hearing, shall be admissible as prima facie evidence of the facts stated therein, without the production of such officer or employee.

(6) *Exhibits.* Except where the examiner finds that the furnishing of copies is impracticable, a copy of each exhibit, in addition to the original, shall be filed with the examiner for the use of each other party to the proceeding. The examiner shall advise the parties as to the exact number of copies which will be required to be filed and shall make and have noted on the record the proper distribution of the copies.

(7) *Official notice.* Official notice will be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical or scientific fact of established character: *Provided*, That the parties shall be given adequate notice, at the hearing or by reference in the examin-

er's report or tentative order or otherwise, of matters so noticed, and shall be given adequate opportunity to show that such facts are erroneously noticed.

(8) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript in toto. In such event, it shall be considered a part of the transcript if the Secretary decides that the examiner's ruling in excluding the evidence was erroneous. The examiner shall not allow the insertion of such evidence in toto if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Secretary decides that the examiner's ruling in excluding the evidence was erroneous, the hearing shall be reopened to permit the taking of such evidence.

(f) *Oral argument before examiner.* Oral argument before the examiner shall be allowed unless the examiner finds that the denial of such argument will not deprive the parties of an adequate opportunity for oral argument subsequently in the proceeding. Such argument may be limited by the examiner to any extent that he finds necessary for the expeditious disposition of the proceeding.

(g) *Transcript.* (1) During the period in which the proceeding has an active status in the Department, a copy of the transcript will be kept at the local office of the Division nearest to the place where the respondent resides or has his principal place of business. If there are two or more respondents and they are located in different localities, the copy of the transcript shall be kept at the local office of the Division nearest to the place where the hearing was held. This copy will be available for examination during official hours of business at the local office, but it shall remain the property of the Department and may not be removed from said office.

(2) Parties to the proceeding who desire a copy of the transcript of the hearing may place orders at the close of the hearing with the reporter, who will furnish and deliver such copies direct to the purchaser upon payment therefor at the rate per page provided by the contract between the reporter and the Department for such reporting service.

§ 123.11 *Depositions—(a) Application for taking deposition.* Upon the application of a party to the proceeding, the examiner, at any time after the filing of the order to show cause, may authorize under the facsimile signature of the Secretary, the taking of testimony by deposition. The application shall be in writing and shall be filed with the hearing clerk and shall set forth: (1) the name and address of the proposed deponent; (2) the name and address of the person (referred to hereinafter in this section as the "officer"), qualified under the rules in this part to take depositions, before whom the proposed examination is to be made; (3) the proposed time and

place of the examination, which shall be at least 15 days after the date of the mailing of the application; and (4) the reasons why such deposition should be taken.

(b) *Examiner's authorization for taking deposition.* If the examiner is satisfied that good cause for taking the deposition is present, he may authorize its taking. The authorization shall be filed with the hearing clerk and shall be served upon the parties and shall state: (1) the time and place of the examination (which shall not be less than 10 days after the filing of the authorization); (2) the name of the officer before whom the examination is to be made; and (3) the name of the deponent. The officer and the time and place need not be the same as those suggested in the application.

(c) *Qualifications of officer.* The deposition shall be made before the examiner, or before an officer authorized by the law of the United States or by the law of the place of the examination to administer oaths, or before an officer authorized by the Secretary to administer oaths. No deposition shall be made before an officer who is a relative (within the third degree by blood or marriage), employee, attorney, or counsel of any party, or who is a relative (within the third degree by blood or marriage), or employee of any attorney or counsel for any party or who is financially interested in the result of the proceeding: *Provided, however,* That an officer who is an employee of the Department and is not a relative of any such party, attorney, or counsel may take depositions in any proceeding under the regulations.

(d) *Procedure on examination.* (1) The deponent shall be examined under oath or affirmation and shall be subject to cross-examination. The testimony of the deponent shall be recorded by the officer or by some person under his direction and in his presence. In lieu of oral cross-examination, parties may transmit written cross-interrogatories to the officer prior to the examination, and the officer shall propound such cross-interrogatories to the deponent.

(2) The applicant must arrange for the examination of the witness either by oral examination or by written interrogatories. If it is found by the examiner, upon the protest of a party to the proceeding, that such party has his residence and his place of business more than 100 miles from the place of the examination and that it would constitute an undue hardship upon such party to be represented at the examination, the applicant will be required to conduct the examination by means of interrogatories. When the examination is conducted by means of interrogatories, copies of the interrogatories shall be served upon the other parties to the proceeding at least five days prior to the date set for the examination, and the other parties shall be afforded an opportunity to file with the officer cross-interrogatories at any time prior to the time of the examination.

(e) *Signature by witness.* The transcript of the deposition shall be read to or by the deponent, unless such reading is waived by the parties and the de-

ponent. Any changes which the deponent wishes to make shall be entered upon the deposition by the officer, with a statement of the reasons given by the deponent for such changes. The deposition shall be signed by the deponent, unless the parties by stipulation waive such signing, or unless the deponent is ill or cannot be found or refuses to sign. If the deponent does not sign, the officer shall sign and shall state on the record the reason why the deponent did not sign. In such case the deposition shall be as valid as though signed by the deponent, unless the examiner finds that the reason given by the deponent for his refusal to sign requires rejection of the deposition in whole or in part.

(f) *Certification by officer.* The officer shall certify on the deposition that the deponent was duly sworn by him and that the deposition is a true record of the deponent's testimony. He shall then securely seal the deposition, together with two copies thereof, in an envelope and mail the same by registered mail to the hearing clerk.

(g) *Use of depositions.* A deposition taken in accord with the provisions of this part, or in accord with the provisions of the rules of Civil Procedure of the courts of the United States, may be used in a proceeding under the rules in this part if the examiner finds that the evidence is otherwise admissible and (1) that the witness is dead; or (2) that the witness is at a greater distance than 100 miles from the place of hearing, unless it appears that the absence of the witness was procured by the party offering the deposition; or (3) that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (4) that the party offering the deposition has endeavored but has been unable to procure the attendance of the witness; or (5), in any event, upon application and notice that such exceptional circumstances exist as to make it desirable, in the interests of justice and with due regard to the importance of presenting the testimony orally before the examiner, to allow the deposition to be used. If any part of a deposition is put in evidence by a party, any other party may require the production of the remainder, or any other portion, of the deposition.

§ 123.12 *The examiner's report—(a) Filing the transcript of evidence.* As soon as practicable after the close of the hearing, the reporter shall transmit to the hearing clerk the original of the transcript of the testimony and the original exhibits introduced in evidence at the hearing and as many copies of the transcript as may be required by the Division. Upon receipt of the copies of the transcript, the Department will send a copy to the appropriate local office, as provided in § 123.10 (g), and will advise each party to the proceeding as to the date on which the transcript was filed with the hearing clerk. At the same time the reporter sends the transcript and copies thereof to the hearing clerk, he shall also transmit a copy of the transcript to each party who shall have filed an application therefor as provided in § 123.10 (g).

(b) *Proposed findings of fact, conclusions and order.* Within 10 days after receipt of notice that the transcript has been filed, each party may file with the hearing clerk proposed findings of fact, conclusions, and order, based solely on the record, and a brief in support thereof.

(c) *Examiner's report.* The examiner, within a reasonable time after the termination of the period allowed for the filing of proposed findings of fact, conclusions, and orders, and briefs in support thereof, shall prepare upon the basis of the record and shall file with the Hearing Clerk, his report, a copy of which shall be served upon each of the parties.

(d) *Exceptions.* Within 20 days after receipt of the examiner's report, the parties may file exceptions to the report. Any party who desires to take exceptions to any matter set out in the report shall transmit his exceptions in writing to the Hearing Clerk, referring to the relevant pages of the transcript, and suggesting a corrected finding of fact, conclusion, or order. Within the same period of time, each party shall transmit to the Hearing Clerk a brief statement in writing concerning each of the objections taken to the action of the examiner at the hearing, as set out in § 123.10, upon which the party wishes to rely, referring, where relevant, to the pages of the transcript. A party, if he files exceptions or a statement of objections, shall state in writing whether he desires to make an oral argument thereon before the Secretary; otherwise, he shall be deemed to have waived such oral argument.

§ 123.13 The shortened procedure—

(a) *Consent of parties.* Whenever it appears to the examiner who is assigned to a proceeding that the proceeding can be more expeditiously handled under the informal procedure provided for in this section, he shall suggest to the parties that they consent to the use of such procedure. Except where oral hearing has been waived by failure to request it in proper time or otherwise, parties are free to consent to such procedure if they choose; declination of consent will not affect or prejudice the rights or interests of any party. A party, if he has not waived oral hearing, may consent to the use of the shortened procedure on the condition that the statements of fact be submitted in the form of depositions rather than affidavits. In such case, if the other parties agree, depositions shall be required to be filed in lieu of affidavits. If any party who has not waived oral hearing does not consent to the use of the shortened procedure, the proceeding will be set for oral hearing. The request that the shortened procedure be used need not originate with the examiner; any party may address a request to the examiner, asking that the shortened procedure be used. The examiner, in his suggestion to the parties, will set a short period of time in which the parties may indicate their consent to the shortened procedure; at the end of that period the examiner will notify the parties that the shortened procedure will or will not be used. All requests, suggestions, and

notices mentioned in this section shall be filed with the hearing clerk.

(b) *Complainant's opening statement.* Within 20 days after receipt of notice that the shortened procedure will be used, the complainant shall file with the hearing clerk, in triplicate, in support of the order to show cause, an opening statement of the facts. A copy of such document shall be served promptly by the hearing clerk upon the respondent.

(c) *Respondent's answering statement.* Within 20 days after receipt of the complainant's opening statement, the respondent may file with the hearing clerk, in triplicate, in support of his answer, an answering statement of the facts. A copy of the answering statement shall be served promptly by the hearing clerk upon the complainant.

(d) *Complainant's statement in reply.* Within 10 days after receipt of the answering statement, the complainant may file with the hearing clerk, in triplicate, a statement in reply, which shall be confined strictly to replying to the facts and arguments set forth in the answering statement.

(e) *Contents of statements.* As used in this section, the term "statement" includes (1) statements of fact, signed and sworn to by persons having knowledge of those facts; (2) any documents filed as a part of the proof of the alleged facts (which documents shall be properly identified by verified statements in the statement filed or otherwise authenticated in such a manner that they would be admissible in evidence at an oral hearing under the rules of practice in this part); and (3) briefs containing arguments to sustain the contentions of the party submitting the statement. When practicable, the documents which constitute the record of any transaction in dispute should be made a part of the statement.

(f) *Verification.* Any facts stated in the statement must be sworn to (before a person legally authorized to administer oaths or before a person designated by the Secretary for the purpose) by a person who states in the affidavit that he has actual knowledge of the facts. Except under unusual circumstances, which shall be set forth in the affidavit, any such person shall be one who would appear as a witness if an oral hearing were held. The original of each document must show the signature, capacity, and impression seal (if the officer is required by law to have a seal) of the officer administering the oath and the date thereof. Copies must bear a notation that the original shows the data required in this respect. If a party elects to do so, he may file his statement of facts in the form of depositions rather than affidavits. Depositions filed under the shortened procedure, whether filed as a result of a requirement in the consent to the shortened procedure or voluntarily, shall conform to the provisions set forth in this section.

(g) *Stipulations.* In addition to or in lieu of such statements, the parties may file with the hearing clerk stipulations of fact signed by the parties or their representatives. Such stipulations shall become a part of the record. The stipulations must be filed with the hearing

clerk within 20 days after notice that the shortened procedure will be used; or, if the complainant's opening statement is filed, within 20 days after the filing of such statement; or, if an answering statement is filed within 15 days after the filing thereof; or, if a statement in reply is filed, within 15 days after the filing thereof.

(h) *Waiver of right to file.* Failure to file, within the time prescribed, any statement or stipulation required or authorized under this section shall constitute a waiver of the right to file such statement or stipulation. In such case, the examiner may prepare his report and the Secretary may make his final determination upon the evidence contained in the record at the time of such failure to file, except that no determination, other than dismissal of the proceeding, shall be made if the complainant fails to file an opening statement of the facts.

(i) *Examiner's report under the shortened procedure.* Except as otherwise may be directed by the examiner, the filing of the complainant's statement in reply will conclude the presentation of evidence. The examiner will thereupon file with the hearing clerk a notice that the parties may file proposed findings of fact, conclusions, and orders within 10 days after service of such notice. Upon the expiration of the period set for the filing of proposed findings, conclusions, and orders, the examiner will prepare his report, and the same procedure shall be followed thereafter as in proceedings where an oral hearing has been held.

(j) *Assignment for oral hearing.* At the request of any party or upon the examiner's own motion, the proceeding shall be set for oral hearing at any stage of the proceeding prior to the filing of the examiner's report; *Provided*, That, where the party making such request has waived oral hearing by failure to request it in proper time, it is provided in § 123.10, the assignment for oral hearing shall be in the discretion of the examiner.

§ 123.14 *Transmittal of record.* The hearing clerk, immediately following the period allowed for the filing of exceptions, shall transmit to the Secretary the record of the proceeding. Such record shall include: the pleadings; motions and requests filed, and rulings thereon; the transcript of the testimony taken at the hearing, together with the exhibits filed therein; any statements filed under the shortened procedure; any documents or papers filed in connection with pre-hearing conferences; such proposed findings of fact, conclusions, and orders, and briefs in support thereof, as may have been filed in connection with the hearing; the examiner's report; and such exceptions, statements of objections, and briefs in support thereof as may have been filed in the proceeding.

§ 123.15 Argument before Secretary—

(a) *Oral argument.* Unless a party has included in his exceptions a request for oral argument before the Secretary or has filed a separate request for oral argument prior to the expiration of the last date for filing such exceptions, he shall be deemed to have waived his right to such oral argument.

(b) *Briefs.* The parties may file written briefs either in addition to oral argument or in lieu thereof.

(c) *Scope of argument.* Except where the Secretary determines that argument on additional issues would be helpful, argument, whether oral or on brief, shall be limited to the issues raised by the exceptions and statement of objections. If the Secretary determines that additional issues should be argued, counsel for the parties shall be given reasonable notice of such determination, so as to permit preparation of adequate argument on all the issues to be argued.

§ 123.16 *Preparation and issuance of order—(a) Preparation of order.* As soon as practicable after the receipt of the record from the hearing clerk, or, in case oral argument was had, as soon as practicable thereafter, the Secretary, upon the basis of and after due consideration of the record, shall prepare his order in the proceeding which shall include findings, conclusions, order, and rulings on motions, exceptions, statements of objections, and proposed findings, conclusions, and orders submitted by the parties not theretofore, ruled upon. If an oral argument was held, the order shall be prepared by and shall be issued over the signature of the official who heard such oral argument, unless the parties shall consent to a different arrangement. At no stage of the proceeding between its institution and the issuance of the order shall the Secretary discuss ex parte the merits of the proceeding with any person who is connected with the proceedings in an advocative or in an investigative capacity, or with any representative of such person: *Provided*, That the Secretary may discuss the merits of the case with such a person if all parties to the proceeding, or their representatives, have been given an opportunity to be present. Any memorandum or other communication addressed to the Secretary, during the pendency of the proceeding, and relating to the merits thereof, by, or on behalf of, any party shall be regarded as argument made in the proceeding and shall be filed with the hearing clerk, who shall serve a copy thereof upon the opposite party to the proceeding, and opportunity will be given the opposite party to file a reply thereto.

(b) *Issuance of order.* The order, prepared as described in paragraph (a) of this section, shall be issued and served upon the parties as the final order in the proceeding without further procedure: *Provided*, That, if the terms of the order differ substantially from those proposed in the report of the examiner, the Secretary may, if he deems it advisable to do so, direct that a copy of the order be served upon the parties as a tentative order; and, in such event, opportunity shall be given the parties to file exceptions thereto and written arguments or briefs in support of such exceptions. In such case, if no exceptions are filed within 20 days following the service of the tentative order, it shall be issued and served as the final order in the proceeding.

§ 123.17 *Applications for reopening hearings; for rehearings or rearguments*

of proceedings; or for reconsideration of orders—(a) Petition requisite—(1) Filing; service. An application for reopening the hearing to take further evidence, or for rehearing or reargument of the proceeding, or for reconsideration of the order, must be made by petition to the Secretary filed with the hearing clerk, who immediately shall notify and serve a copy thereof upon the other party to the proceeding. Every such petition must state specifically the grounds relied upon.

(2) *Petitions to reopen hearings.* A petition to reopen a hearing to take further evidence may be filed at any time prior to the issuance of the final order. Every such petition shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth a good reason why such evidence was not adduced at the hearing. Every such petition shall be served by the hearing clerk on the other parties to the proceeding.

(3) *Petitions to rehear or reargue proceedings or to reconsider orders.* A petition to rehear or reargue the proceeding or to reconsider the order must be filed within 15 days after the date of the service of the order. Every such petition must state specifically the matters claimed to have been erroneously decided and alleged errors must be briefly stated.

(b) *Procedure for disposition of petitions.* Within 20 days following the service of any petition provided for in this section, the other party to the proceeding shall file with the hearing clerk an answer thereto. As soon as practicable thereafter, the Secretary shall announce his decision whether to grant or to deny the petition. Unless the Secretary shall determine otherwise, operation of the order shall not be stayed pending the decision to grant or to deny the petition. In the event that any such petition is granted by the Secretary, the applicable rules of practice, as set out elsewhere herein, shall be followed. A person filing a petition under this section shall be regarded as the complainant, although he shall be referred to as the complainant or respondent, depending upon his designation in the original proceeding.

§ 123.18 *Hearings before Secretary.* The Secretary may act in the place and stead of an examiner in any proceeding under this part. When he so acts, the hearing clerk shall transmit the record to the Secretary at the expiration of the period provided for the filing of proposed findings of fact, conclusions, and orders, and the Secretary shall thereupon, after due consideration of the record, issue his final order in the proceeding: *Provided*, That he may issue a tentative order, in which event the parties shall be afforded an opportunity to file exceptions before the issuance of the final order.

§ 123.19 *Filing; service; extensions of time; additional time for filing; and computation of time—(a) Filing; number of copies.* Except as is provided otherwise in this part, all documents or papers required or authorized by the

rules in this part to be filed with the hearing clerk shall be filed in duplicate: *Provided*, That, where there are more than two parties to the proceeding, a sufficient number of copies shall be filed so as to provide for service upon all the parties to the proceeding. Any document or paper, required or authorized under the rules in this part to be filed with the hearing clerk, shall, during the course of an oral hearing, be filed with the examiner.

(b) *Service; proof of service.* Copies of all such documents or papers shall be served upon the parties by the hearing clerk, by the examiner, or by some other employee of the Department, or by a United States marshal or his deputy. Service shall be made either (1) by delivering a copy of the document or paper to the individual to be served or to a member of the partnership to be served or to the president, secretary, or other executive officer or any director of the corporation, organization, or association to be served, or to the attorney or agent of record of such individual, partnership, corporation, organization, or association; or (2) by leaving a copy of the document or paper at the principal office or place of business of such individual, partnership, corporation, organization, or association, or of his or its attorney or agent of record; or (3) by registering and mailing a copy of the document or paper, addressed to such individual, partnership, corporation, organization, or association, or to his or its attorney or agent of record, at his or its last known residence or principal office or place of business. Proof of service hereunder shall be made by the affidavit of the person who actually made the service: *Provided*, That, if the service be made by registered mail, as outlined in (3) above, proof of service shall be made by the return post-office receipt. The affidavit and post-office receipt contemplated in this part shall be filed with the hearing clerk, and the fact of filing thereof shall be noted on the docket of the proceeding.

(c) *Extensions of time.* The time for the filing of any document or paper required or authorized under the rules in this part to be filed may be extended by the examiner (before the examiner's report is filed) or by the Secretary (after the examiner's report is filed), if request for such extension of time is made prior to or on the final date allowed for such filing, and if, in the judgment of the examiner or the Secretary, as the case may be, after notice to and consideration of the views of the other party, there is good reason for the extension.

(d) *Effective date of filing.* Any document or paper required or authorized under the rules in this part to be filed shall be deemed to be filed at the time when it reaches the Department of Agriculture in Washington, D. C.

(e) *Additional time for filing.* The time for the filing of any document or paper required or authorized under the rules in this part to be filed shall be five days longer when the party resides or has his or its principal place of business at any place west of 104° west longitude.

(f) *Computation of time.* Sundays and holidays shall be included in com-

puting the time allowed for the filing of any document or paper: *Provided*, That, when such time expires on a Sunday or legal holiday, such period shall be extended to include the next following business day.

PART 131—HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Subpart—Order Regulating Handling

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AUTHORITY: §§ 131.1 to 131.300 issued under secs. 56-60, 49 Stat. 781, as amended, 782; 7 U. S. C. 851-855.

SUBPART—ORDER REGULATING HANDLING

DEFINITIONS

§ 131.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 131.2 *Act.* Anti-hog-cholera Serum and Hog-cholera virus Marketing Agreement Act (49 Stat. 781; 7 U. S. C. 851 et seq.).

§ 131.3 *Person.* Individual, partnership, corporation, association, or any other business unit.

§ 131.4 *Serum and virus—(a) Serum.* Anti-hog-cholera serum manufactured in compliance with standards and regulations promulgated by the United States Department of Agriculture, or manufactured under license or authority of any State or otherwise.

(b) *Virus.* Virulent, modified, or inactivated hog-cholera virus, or any derivative or variation of hog-cholera virus, which is used alone or in connection with anti-hog-cholera serum to protect hogs against hog cholera, manufactured in compliance with regulations promulgated by the United States Department of Agriculture, or manufactured under license or authority of any State or otherwise.

§ 131.5 *Handler.* Any person who is engaged in the handling of anti-hog-cholera serum or hog-cholera virus.

§ 131.6 *To handle.* To sell, to ship, or in any way put serum or virus into the channels of trade.

§ 131.7 *To market.* To consign or to sell or in any other manner transfer or convey title to, or any interest in, serum or virus, or to enter into any contract or arrangement to do or have done any of the said acts.

§ 131.8 *Wholesaler.* That class of buyers comprising (a) persons or agencies who do not administer serum or virus but are regularly engaged in purchasing and maintaining stocks of serum or virus in sufficient quantities to supply dealer demand, who are properly located and equipped with proper storage and distributing facilities to supply dealer demand, who resell principally to dealers, and who shall have been found by the Control Agency on submitted evidence acceptable to said Control Agency to perform in good faith the usual functions of a wholesaler, including, but without limitation, the storing of serum or virus marketed, the absorbing of all expenses incidental to the advertising and selling of serum or virus, after receipt by them, to other trade groups, together with the providing of field or veterinary service necessary to determine whether the products sold have served their purpose in specific cases, and (b) any State or Federal Agency, or any farmer cooperative association who regularly purchases, for delivery within a definite period of time and pays for at sellers' posted prices at time of delivery, serum or virus in specified quantities adequate, in the opinion of the Control Agency, to justify such classification.

§ 131.9 *Dealer.* That class of buyers comprising veterinarians and other persons regularly engaged in administering serum or virus for service charges, drug stores, county farm bureaus, purchasers of serum for use in U. S. licensed stock yards vaccination, and agencies who maintain stocks of serum or virus in sufficient quantities under proper storage and distributive facilities for resale to ultimate consumers (owners of swine).

§ 131.10 *Manufacturer or producer.* Any person who manufactures or pro-

duces and is engaged in the handling or distribution of serum or virus.

§ 131.11 *Distributor.* Any person who does not manufacture serum or virus, but is engaged in the handling or distribution of serum or virus.

§ 131.12 *Control agency.* The agency established pursuant to §§ 131.21 to 131.33.

§ 131.13 *Books and records.* Any books, papers, records, copies of income tax reports, accounts, correspondence, contracts, documents, memoranda, or other data pertaining to the business of the person in question.

§ 131.14 *Subsidiary.* Any person, or over whom or which a handler or an affiliate of a handler has, or several handlers collectively have, either directly or indirectly, actual or legal control, whether by stock ownership or in any other manner.

§ 131.15 *Affiliate.* Any person and/or subsidiary thereof, who or which has, either directly or indirectly, actual or legal control of or over a handler, whether by stock ownership or in any other manner.

§ 131.16 *Dollar volume.* The sum of money received from the total yearly sales of serum and virus less any credit allowed for returned serum and virus.

§ 131.17 *Completed serum.* "Completed serum" as used in this subpart means "completed serum" and "finished serum" as defined in § 119.23 (a) (5) and (6) of this chapter, respectively, of the regulations of the Secretary governing the production of anti-hog-cholera serum (Part 119 of this chapter).

§ 131.18 *Inventory in his own possession.* "Inventory in his own possession" as used in this subpart means completed serum owned by a manufacturer and stored for his own account in premises owned or leased by him.

CONTROL AGENCY

§ 131.21 *Membership.* A control agency is hereby established consisting of 12 members, who shall hold office until their successors are selected and qualified.

§ 131.22 *Nominations.* The members and their respective alternates shall be selected by the Secretary annually at least 15 days prior to the termination of the term of office of their respective predecessors. Such selections shall be made by the Secretary from the respective nominees of groups hereinafter designated to make nominations. Nominations shall be made on December 1 of each year in the following manner: The handlers who are manufacturers marketing their products principally through veterinarians, as a group, may nominate by inscribing on a ballot the names of 20 individuals to represent such handlers as members and/or alternates. The handlers who are manufacturers marketing their products principally through other channels, as a group, may nominate by inscribing on a ballot the names of 20 individuals to represent such handlers as members and/or alternates. The han-

dlers who are wholesalers marketing their products principally through veterinarians, as a group, may nominate by inscribing on a ballot the names of four individuals to represent such handlers as members and/or alternates. The handlers who are wholesalers marketing their products principally through other channels may nominate by inscribing on a ballot the names of four individuals to represent such handlers as members and/or alternates.

§ 131.23 *Selection.* Each of the 12 members of the control agency and their alternates shall be selected by the Secretary from the individuals in each of the four groups comprising the nominees for membership and/or alternates who receive the highest numbers, successively, of votes cast by handlers entitled to vote for nominees in each group. The Secretary may designate an individual to serve as an alternate for more than one member of the same group. No two individuals from the same partnership, corporation, association, or any other business unit, including agents, affiliates, subsidiaries, and/or representatives thereof, shall be selected for membership in or serve as members of the control agency at the same time. The nominees in each instance shall be nominated by a vote of the handlers who are entitled under the provisions of this subpart to vote for such nominees. At any election of nominees each handler shall be entitled to cast one vote on behalf of himself, agents, partners, affiliates, subsidiaries, and/or representatives for each of the members of the control agency and their respective alternates for whom he is entitled to vote.

§ 131.24 *Term of office.* Members of the control agency and their respective alternates, shall be selected annually for a term of one year beginning the first day of January, and shall serve until their respective successors shall be selected and shall qualify. Any individual selected as a member of the control agency or an alternate shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative.

§ 131.25 *Vacancies.* To fill any vacancy occasioned by the removal, resignation, or disqualification of any member of the control agency or an alternate, a successor for his unexpired term shall be selected by the Secretary from nominees selected by the respective group of handlers in whose representation the vacancy has occurred, such nominees to be determined by the selection by the proper group as specified in § 131.22, two nominees for each vacancy to be filled, and selected in the manner specified in § 131.23. Such selection of nominees shall be made within 30 days after such vacancy occurs. If a nomination is not made within such 30 days, the Secretary may select an individual to fill such vacancy.

§ 131.26 *Election of officers.* The members of the control agency shall select a chairman from their membership, and all communications from the Secretary may be addressed to the chairman at such address as may from time to time

be filed with the Secretary. The agency shall select such other officers and adopt such rules not inconsistent with the provisions of this subpart for the conduct of its business as it may deem advisable. The agency shall give to the Secretary or his designated agent the same notice of meetings of the control agency as is given to members of the agency and their alternates.

§ 131.27 *Compensation.* A reasonable compensation to be determined by the control agency, to be paid to the Secretary of the control agency, and the expenses of the members of the control agency while engaged in the business of the control agency, shall be necessary expenses to be incurred by the control agency for its maintenance and functioning under this subpart.

§ 131.28 *Powers.* The control agency shall have power:

(a) To administer, as hereinafter specifically provided, the terms and provisions of this subpart;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart;

(d) To recommend to the Secretary amendments to this subpart; and

(e) The control agency, subject to the disapproval of the Secretary, may select an executive committee of not more than four members who shall be empowered to act for the control agency in the routine administration of this subpart, at such times as the control agency is not meeting and cannot be conveniently convened for the purpose. Any and all acts of the executive committee shall be subject to the approval of the control agency, which shall take action with respect to any act of the executive committee at the next meeting of the control agency held immediately following any action by the executive committee.

§ 131.29 *Duties.* It shall be the duty of the control agency:

(a) To act as intermediary between the Secretary and any handler;

(b) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall, at any time, be subject to the examination of the Secretary;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of any such employees;

(e) To establish and/or foster any agency for the purpose of securing new or improved markets for the serum and virus industry through marketing research. The expenses of such expansion or improvement of markets through research shall be a necessary expense incurred by the control agency for its maintenance and functioning, and shall be defrayed by it from funds collected pursuant to §§ 131.41 through 131.45; and

(f) To make such disbursements as may be necessary to meet expenses necessarily incurred by the control agency

for its maintenance and functioning under the provisions of this subpart.

§ 131.30 *Procedure.* (a) All decisions of the control agency except where otherwise specifically provided, shall be by a three-fourths ($\frac{3}{4}$) vote of the members who have qualified by filing their written acceptance and who are eligible to vote.

(b) The control agency may provide for voting by its members by mail or telegraph upon due notice to all members, and when any proposition is submitted for voting by such method, one dissenting vote shall prevent its adoption until submitted to a meeting of the control agency.

(c) If a member of the control agency shall be a party in interest to any dispute or complaint, or a representative of such party in interest, he shall, for the purpose of the consideration of such dispute or complaint, be disqualified as a member of the control agency. Such disqualification, however, shall not be deemed to create a vacancy in the control agency.

(d) The alternate for each member of the control agency shall have the power to act in the place and stead of such member in his absence and/or in the event of his removal, resignation, or disqualification until a successor for such member's unexpired term has been selected.

§ 131.31 *Removal or suspension of members.* The members of the control agency (including alternates, successors, or other persons selected by the Secretary), and any agent or employee appointed or employed by the control agency shall be subject to removal or suspension by the Secretary at any time.

§ 131.32 *Disapproval of decisions by Secretary.* Each and every order, regulation, decision, determination, or other act of the control agency, shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

§ 131.33 *Funds.* All funds received by the control agency, pursuant to any provision of this subpart, shall be used solely for the purpose specified and shall be accounted for in the following manner:

(a) The Secretary shall require the control agency and its members, or alternates acting as members, to account for all receipts and disbursements.

(b) Upon the removal or expiration of the term of office of any member of the control agency, or of an alternate acting as a member, such member or alternate shall account for all receipts and disbursements, and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and/or claims vested in such member or alternate pursuant to this subpart.

(c) Any funds derived from assessments or any other source which have not been expended by the control agency at the end of a calendar year shall be

carried over by the control agency, to be expended during the succeeding calendar year.

(d) Upon the termination or suspension of this subpart or of any provision thereof, the funds of the control agency shall be disposed of in the manner provided in § 131.113.

ASSESSMENTS

§ 131.41 *Handler assessment.* Each manufacturer and wholesaler handler shall pay the control agency, as provided in §§ 131.42 through 131.45, such handler's pro rata share, as may be approved by the Secretary, of such expenses as the Secretary may find will necessarily be incurred by the control agency during any period specified by the Secretary for the maintenance and functioning of the control agency, as set forth in this subpart.

§ 131.42 *Division of assessments.* (a) The pro rata share of the expenses of the control agency to be borne by handlers who are wholesalers shall be determined as follows: Multiply the number of wholesalers of record on December 31st of the preceding calendar year by $\frac{1}{10}$ of one percent and then multiply the result thereof by the total expense of the control agency for the current year. The resulting sum shall be the pro rata share of the expenses of the control agency of handlers who are wholesalers, and shall be assessed as set forth in § 131.43: *Provided*, That the pro rata share so computed shall not exceed thirty-three and one-third percent ($33\frac{1}{3}$ percent) of the total expense of the control agency. In the event the pro rata share so computed exceeds thirty-three and one-third percent ($33\frac{1}{3}$ percent), the pro rata share of such handlers shall be adjusted to thirty-three and one-third percent of the total expense of the control agency.

(b) The pro rata share of the expenses of the control agency to be borne by handlers who are manufacturers shall be the balance remaining after deducting the pro rata share of the wholesaler handlers from the total expense of the control agency, and shall be assessed as set forth in § 131.45.

(c) The assessments of all handlers may be adjusted from time to time by the control agency, with approval of the Secretary, in order to provide funds sufficient in amount to cover any later findings of the Secretary of estimated expenses or actual expenses of the control agency during the calendar year.

§ 131.43 *Method of wholesaler handler assessments.* (a) As his pro rata share of the expenses of the Control Agency to be borne by all wholesaler handlers, each wholesaler handler shall pay to the control agency a sum computed on the basis of the dollar volume of serum and virus marketed by such handler during the preceding calendar year at the following applicable rates:

(1) Ten thousand dollars, or less—\$25.00;

(2) Over ten thousand dollars—at a rate per ten thousand dollars, or fraction thereof, to be fixed by the Secretary based upon the ratio between the dollar volume of marketings of each whole-

saler handler whose marketings are in excess of ten thousand dollars and the total dollar volume of marketings of all wholesaler handlers whose marketings are in excess of ten thousand dollars.

(b) The pro rata share of all wholesaler handlers shall be obtained by assessing the first ten thousand dollars or less of the dollar volume of serum and virus marketed by each wholesaler handler, and if the sum obtained is not sufficient to cover the total amount of the pro rata share of all wholesaler handlers such additional amounts as are necessary to be assessed shall be assessed in the manner set forth in paragraph (a) (2) of this section. If the total sum obtained by assessing the first ten thousand dollars, or less, of the dollar volume of serum and virus marketed by each wholesaler is greater than the pro rata share of all wholesaler handlers, the rate of assessment for ten thousand dollars, or less, shall be adjusted by the Secretary to an amount that will return the sum necessary to cover the pro rata share of all wholesaler handlers. The amount of each wholesaler handler's pro rata share shall be computed by the disinterested agency selected under the provisions of § 131.48. Such pro rata share shall be subject to the approval of the Secretary. The pro rata share of each wholesaler handler shall be paid as follows: \$25.00 on or before January 15, of each year and the remaining sum, if any, within fifteen (15) days after being billed therefor. Such payments shall be made to the disinterested agency which shall transmit the total amount received to the control agency without disclosing the amount paid by each handler. In the event the Secretary adjusts the pro rata share of each wholesaler handler to an amount less than \$25.00, the excess paid shall be credited on such handler's pro rata share of the following year's assessment.

§ 131.44 *Fee to accompany application for classification.* Each application for classification as a wholesaler shall be accompanied by a fee of twenty-five dollars (\$25.00). If the application is rejected such fee shall be refunded to the applicant. If the application is approved the fee shall be retained and used for the maintenance and functioning of the control agency as such applicant's pro rata share of expenses of such agency for the year in which the application is approved.

§ 131.45 *Method of manufacturer handler assessments.* The pro rata share of expenses to be paid by each manufacturer handler shall be based upon such handler's percentage of the total dollar volume of serum and virus marketed by all such handlers during the preceding calendar year. The amount of each manufacturer handler's pro rata share shall be computed by the disinterested agency selected under the provisions of § 131.48. The pro rata share of each manufacturer handler shall be paid as follows: An amount equal to one-half of the previous year's assessment shall be due and payable on or before February 1 of each year, and the remaining balance assessed shall be due and payable on or before July 1 of each year. Such payments shall be made to the disinterested agency which shall

transmit the amount received to the control agency without disclosing the amount paid by each handler.

REPORTS AND RECORDS

§ 131.48 *Reports.* (a) On or before March 15 of each year, each manufacturer and wholesaler handler shall furnish the Secretary, through a disinterested agency to be selected by the control agency and approved by the Secretary, a report, which shall be sworn to, setting forth the dollar volume of serum and virus marketed in domestic and foreign commerce by such handler during the preceding calendar year. Each handler shall furnish such other information with respect to the production and marketing of serum or virus as the Secretary may request.

(b) The disinterested agency shall make reports to the Secretary with respect to the marketings of serum and virus and collections of assessments under this subpart upon request therefor by the Secretary, and shall promptly transmit to the control agency all sums of money received by it from handlers in payment of assessments. The Secretary shall inform the agency concerning the total amount of the pro rata share of manufacturer handlers and the total amount of the pro rata share of wholesaler handlers of the expenses of the control agency.

(c) Except as provided in the last sentence of this paragraph, each manufacturer, on or before May 1 of each year, shall file a sworn report with the Secretary, on a form furnished by and available from the Secretary, setting forth the cubic centimeter volume of completed serum such manufacturer had in inventory in his own possession on April 1 of such year, identifying such serum by serial number, the quantity covered by each serial number and the name and address of the facility where such serum was stored on April 1 of such year. If any such serum was acquired from another handler, the name of the manufacturer and of the seller, the serial numbers and the amount so acquired, together with the delivery date thereof, shall be set forth in the report. The report shall also set forth the cubic centimeter volume of all serum sold by such manufacturer during the preceding calendar year. In the event a date other than April 1 is set for a particular manufacturer by the Secretary pursuant to the provision of § 131.79 (b), the report specified in this paragraph shall be filed by such manufacturer within 30 days after said date set by the Secretary and the information given therein with respect to his serum inventory shall be given as of the date set by the Secretary.

§ 131.49 *Records.* Each handler shall keep and maintain for a period of two years accounts and records showing, to the extent that he is concerned therewith, the manufacture, receipt, delivery, sale, prices, and disposition of serum and virus in sufficient detail as will enable the Secretary to ascertain and determine the extent to which such handler is complying with the terms and provisions of this subpart; and each handler shall, upon the request of a duly authorized repre-

sentative of the Secretary, permit him at all reasonable times to have access to and copy such records. Any information furnished to or acquired by the Secretary or his representative pursuant to this paragraph shall be subject to the provisions of section 8 (d) (2) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608 (d) (2)).

FILING OF PRICES

§ 131.51 *Filing of price list.* Each manufacturer and wholesaler handler shall file with the Secretary and the control agency a separate list of his selling prices in the United States, including terms of sale and discounts, to each class of buyer defined in this subpart or under the provisions thereof, other than those specified in § 131.55. Each such handler's prices, discounts, and terms of sale shall be uniform for all buyers in each classification of the trade as defined by the control agency pursuant to this subpart.

§ 131.52 *Modification of price list.* The price list filed by a manufacturer or wholesaler handler may, subject to the limitations set forth in § 131.54, be modified at any time by such handler by filing a new or amended list of prices, including discounts and terms of sale, which shall only become effective when said new or amended list shall have been on file for three days in any office designated by the control agency: *Provided, however,* That in the event such list is mailed by registered letter or telegraphed to such office, it shall be deemed to have been filed either (a) at the time during usual business hours it is actually delivered in such office, or (b) at the time during usual business hours such communication would have been received, considering the usual time required for the means of communication used, in the absence of delays in transit, whichever time is earlier.

§ 131.53 *Notification of new or amended price lists.* The control agency shall immediately upon receipt of any such new or amended price list, give written notice thereof to each of the handlers and to the Secretary. All price lists shall be made immediately available to the daily and trade press and to the consuming public by employing a means of communication at least as rapid as that used to notify the handlers and the Secretary.

§ 131.54 *Offers, contracts, sales.* Each manufacturer and wholesaler handler shall make no sales unless he has an effective price list, including discounts and terms of sale, as set forth in § 131.51, filed with the control agency. No manufacturer or wholesaler handler shall make any bid, or offer to sell, or enter into an agreement or contract to sell serum or virus, or in any manner sell serum or virus at prices, discounts, or terms of sale different from those set forth in his filed price list which is effective at the time any such bid, offer, agreement, contract, sale, or delivery is made. No manufacturer or wholesaler handler shall file a new or amended price list until his most recently filed price list for any class of buyers becomes effective, and no such handler shall withdraw any

filed price list prior to the effective date of such price list.

§ 131.55 *Filed prices not applicable to sales outside United States.* The provisions with respect to the filing of prices shall not apply to any sales made by any handler for delivery outside the United States.

§ 131.56 *Secretary may suspend and declare ineffective price lists.* If the Secretary has reason to believe, from economic data directly available to him or secured by him under the provisions of the act, that any price list, term of sale or discount, in whole or in part, is inequitable to consumers or handlers by reason of the fact that it may cause immediate injury by impeding the carrying out of this subpart or the effectuation of the declared policy of the act or by creating an abuse of the privilege of exemptions from the antitrust laws, he may suspend the effectiveness of such price list, term of sale or discount, in whole or in part, pending an investigation which shall be completed as soon as practicable, and he shall report such suspension to the control agency, who shall in turn immediately notify the handler whose price filing has been suspended. The Secretary may declare a filed price, discount, or term of sale, in whole or in part, to be ineffective if, after an investigation and an opportunity to be heard has been afforded the handler whose price filing is questioned, the Secretary finds from the facts presented during such investigation that such price list, term of sale, or discount, in whole or in part, is inequitable as measured by the standards set up in this section.

UNFAIR PRACTICES

§ 131.71 *Unfair methods of competition and unfair trade practices.* The following are unfair methods of competition and unfair trade practices, and are prohibited:

(a) The payment or allowance of rebates, refunds, commissions or unearned discounts, either in the form of money or otherwise, or extending to certain purchasers special services or privileges not extended to all purchasers under like conditions;

(b) Selling serum or virus at less than reasonable market value;

(c) The giving away or selling other products at less than reasonable market value to a purchaser or user of serum or virus, for the purpose or with the effect of influencing the sale of serum or virus;

(d) Maliciously enticing away the employees of competitors;

(e) Defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by any other false representation of character or conduct or of the serum or virus handled by them;

(f) The sale or offering for sale of any serum or virus by any false means or device;

(g) Shipping of serum or virus on consignment;

(h) Withholding from or inserting in an invoice information which makes the invoice, in whole or in part, a false record

of the transaction covered by the invoice;

(1) The making, causing, or permitting to be made, or publishing of any false, untrue, misleading, or deceptive statement by means of advertisement or otherwise, concerning the grade, quality, quantity, character, nature, origin, preparation, or use of serum or virus.

§ 131.72 *Distributor handlers advertising as manufacturers.* The use by handlers who are distributors of the words "Serum Company", "Serum Laboratories" or other equivalent words on letterheads, signs, advertising matter, and otherwise where such practice tends to mislead and deceive purchasers and consumers into belief that such distributor is a manufacturer, where in fact he is not, is prohibited.

SERUM RESERVE

§ 131.79 *Emergency reserve.* (a) Except as provided in paragraph (b) of this section, each manufacturer shall have in inventory in his own possession on April 1 of each year a reserve supply of completed serum equivalent to not less than 40 per centum of his previous year's sales of all serum. Serum used in computing the required reserve supply of any manufacturer shall not again be used in computing the required reserve supply of any other manufacturer.

(b) Upon the written application by a manufacturer filed before September 1 of the preceding year, the Secretary may fix another date between January 1 and May 1 on which such manufacturer shall have the inventory specified in paragraph (a) of this section for a particular year if the Secretary finds that such action will tend to effectuate the purposes of the act. The Secretary may impose such terms and conditions upon granting any such application as he finds necessary to effectuate the purposes of the act.

§ 131.80 *Procedure for filing and decision on application filed pursuant to § 131.79 (b).*—(a) *Time and place of filing.* Application for a date between January 1 and May 1 on which a manufacturer shall have the inventory specified in § 131.79 (a) for a particular year shall be filed with the Director, Animal Inspection and Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington, D. C., before September 1 of the preceding year. Said application shall be deemed to be filed when received by the Office of the Director.

(b) *Form and content of application.* The application shall be in writing and signed by the applicant. If the applicant is a corporation, the application shall be signed by an officer of such corporation, and if applicant is a partnership, it shall be signed by one of the partners. The application shall contain (1) the name, address, principal place of business and form of business organization of applicant. If it is a corporation, such fact shall be stated together with the State of incorporation, date of incorporation and the names of its officers and directors; if it is a partnership, the name and address of each partner; (2) a request for a definite date between January 1 and May 1 which applicant

desires the Secretary to set on which the applicant shall have said inventory specified in § 131.79 (a); and (3) a full statement of the facts upon which applicant relies to support his application which statement shall include information with respect to the area of his distribution of serum, giving the percentage of his total marketings for each State within said area and for export and may include information covering other factors specified in paragraph (d) of this section. The Secretary may, at any time following receipt of the application, request additional information from applicant.

(c) *Notice of filing.* Following the receipt of such applications, the Secretary may publish in the FEDERAL REGISTER a notice setting forth the names of the applicants and the date so requested by each of them, and may afford all interested parties the opportunity of filing written data, views and arguments with respect to any or all such applications within a time to be fixed by the Secretary. After publication of the aforesaid notice, an application may be withdrawn only upon written request to the Secretary showing good cause therefor, but in no event may an application be withdrawn after final decision thereon by the Secretary.

(d) *Basis of decision.* The setting of a date other than April 1 of each year on which a manufacturer shall have the inventory specified in § 131.79 (a) will be conditioned on whether the setting of such date will tend to effectuate the purposes of the act. In granting or denying such applications, consideration will be given, but not limited to the following factors: (1) The areas of distribution of serum by applicant; (2) the incidence of the disease of hog cholera in the area of distribution of serum of the applicant, the time of its greatest incidence in said marketing area and the time of its greatest incidence nationally; (3) the farrowing season or seasons of the pig crop nationally and in said marketing area; (4) conditions with respect to the available supply of serum nationally and in said area; and (5) the percentage of the national pig crop inoculated. Consideration will be given to all relevant and material matters submitted and all other available information and data relating to the applications, including information and data on file in the Department.

(e) *Final decision.* The Secretary shall issue a decision on all applications and such decision shall be final: *Provided*, That any decision setting a date other than April 1 may be reviewed and may be vacated if it is subsequently found that any material fact upon which such determination was based was materially erroneous or false. A true copy of the final decision shall be sent to the applicant by registered mail. Upon the granting of an application, or applications, the Secretary may publish in the FEDERAL REGISTER the name of each such applicant and the date set for each such applicant on which he shall have the inventory specified in § 131.79 (a).

MISCELLANEOUS PROVISIONS

§ 131.81 *Classes of buyers.* The control agency, subject to the disapproval of the Secretary, shall upon the basis of a

written request supported by economic data sufficiently adequate to warrant a conclusion that such definition is neither unreasonable nor discriminatory, define all classes of buyers not defined in this subpart, and shall, subject to the disapproval of the Secretary, determine in specific cases whether any person who is a handler or who is about to become a handler comes within any class of buyers herein or hereafter defined, and shall compile, subject to the disapproval of the Secretary, lists of persons comprising each class of buyers, such lists and additions thereto to be filed immediately with the Secretary and distributed to the manufacturer and wholesaler handlers.

§ 131.82 *Uniform sales invoices.* The control agency, subject to the disapproval of the Secretary, may formulate and adopt uniform sales invoices for manufacturer and wholesaler handlers. After the adoption of such uniform sales invoices, all sales of serum or virus by such handlers to all classes of buyers shall be made in accordance with the terms of such invoices, and prices and terms of sale therein shall conform to the seller's filed prices and terms of sale, effective at the time of making sales covered by such invoices.

§ 131.83 *Agents and distributional outlets.* The control agency is authorized to require that each manufacturer and wholesaler handler file with such agency a list of his agents and distributional outlets for the marketing of serum or virus. Whenever the control agency by regulation requires that manufacturer and wholesaler handlers list with the control agency such handlers' agents and distributional outlets, any movement or transfer of serum or virus by a manufacturer or wholesaler handler to any person not listed with the control agency as such handler's agent or distributional outlet shall, for the purpose of this subpart be considered to be a sale of serum or virus to such person.

§ 131.84 *Compliance.* No person shall handle serum or virus except in conformity with the provisions of this subpart and the rules and regulations issued pursuant thereto.

§ 131.85 *Duration of benefits, privileges, and immunities.* The benefits, privileges, and immunities conferred by virtue of this subpart shall not extend or be construed to extend further than is necessary for the purpose of carrying out the provisions of this subpart and shall cease upon its termination except with respect to acts done under and during the existence of this subpart, and benefits, privileges, and immunities conferred by this subpart upon any party subject hereto shall cease upon its termination as to such party, except with respect to acts done under and during the existence of this subpart.

§ 131.86 *Agents; Secretary may designate.* The Secretary may by designation in writing name any person (not subject to this subpart), including any officer or employee of the Government or of the Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 131.87 *Committees; Secretary may select.* The Secretary may select such committees to meet with or advise the control agency as he deems necessary for the proper functioning of the control agency under the provisions of this subpart. One such committee or its representative shall represent the interests of consumers. The expenses for the maintenance and functioning of the advisory committees may be included within the budget submitted to the Secretary for approval, pursuant to § 131.41, and may be met by the control agency from funds paid to it for the maintenance and functioning of the control agency.

§ 131.88 *No derogation or modification of rights of Secretary or of the United States.* Nothing contained in this subpart is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, and/or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 131.89 *Liability of members and employees of control agency.* No member of the control agency nor any employee thereof shall be held responsible individually in any way whatsoever to any handler subject to this subpart or any other person for errors in judgment, mistakes, or other acts either of commission or omission as such member or employee, except for acts of dishonesty. The contractual obligations of the handlers under this subpart are several and not joint, and no handler shall be liable for the default of any other handler.

§ 131.90 *Separability of provisions.* If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, and/or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

AMENDMENTS

§ 131.101 *Who may propose.* Amendments to this part may, from time to time, be proposed by handlers subject hereto or by the control agency.

§ 131.102 *Notice and hearing.* After due notice and opportunity for hearing and upon determination by the Secretary that the proposed amendment has been incorporated in the marketing agreement for handlers of anti-hog-cholera serum and hog-cholera virus, executed by the Secretary on the 2d day of December 1936, the Secretary shall amend this subpart in conformance with such amendment to the said marketing agreement, and such amendment shall become effective at such time as the Secretary may designate.

EFFECTIVE TIME AND TERMINATION

§ 131.111 *Effective time.* This subpart shall become effective at such time as the Secretary may determine the marketing agreement for handlers of anti-hog-cholera serum and hog-cholera virus, executed by him on the 2d day of

December 1936, has been executed by all the handlers of seventy-five (75) percent of the volume of serum and virus handled during the preceding marketing year and may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways specified.

§ 131.112 *Termination; how accomplished and when effective.* (a) The Secretary may at any time terminate this subpart as to all parties subject thereto by giving at least seven days' notice by means of a press release or in any other manner which the Secretary may determine.

(b) The Secretary shall terminate this subpart at the end of the then current marketing period (December 31) whenever he finds that such termination is favored by all the handlers of not less than seventy-five (75) percent of the volume of serum and virus handled during the preceding marketing period.

(c) This subpart shall in any event terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 131.113 *Liquidation.* Upon the termination or suspension of this subpart or of any provisions thereof, the members of the control agency then functioning, or such other persons as the Secretary may from time to time designate, shall, if so ordered by the Secretary, liquidate the business of the control agency under this subpart, and dispose of all funds and property then in the possession or under the control of the control agency, together with claims for any funds which are unpaid or property not delivered at the time of such termination. The control agency or such other persons as the Secretary may designate (a) shall continue in such capacity until discharged by the Secretary (b) shall, from time to time, account for all receipts and disbursements and/or deliver all funds and property on hand, together with the books and records of the control agency, to such person or persons as the Secretary shall direct, and (c) shall, upon the request of the Secretary, execute such assignments, or other instruments necessary or appropriate to vest in such person or persons full title to all the funds, property, and/or claims vested in the control agency pursuant to this subpart. Any funds collected for expenses, pursuant to the provisions of this subpart, and held by the control agency or such person or persons, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the control agency or such person or persons, shall be returned to the contributing handlers in proportion to the contributions of each handler, or shall be expended by the control agency for a purpose not inconsistent with the provisions of this subpart and in a manner which the handlers shall determine by a three-fourths vote of such handlers. The control agency or such person or persons shall observe the procedure governing the actions of the control agency as established under the provisions of § 131.30. Any person to whom funds, property, and/or claims have been delivered by the control agency or its members upon direction of the Secretary, as provided in

this section, shall be subject to the same obligations and duties with respect to said funds, property, and/or claims as are imposed upon the members of the control agency.

SUBPART—BUDGET OF EXPENSES AND RATES OF ASSESSMENT

§ 131.158 *Budget of expenses and rates of assessment for the calendar year 1958—(a) Budget of expenses.* The expenses which will necessarily be incurred by the Control Agency, established pursuant to the provisions of the marketing agreement and of the marketing order (§§ 131.1 to 131.96), for the maintenance and functioning of said Agency during the calendar year 1958, will amount to \$44,440.00 under the recommendation of the Control Agency, from which shall be deducted the unexpended balance of \$6,254.03 on hand with said Control Agency on January 1, 1958, from assessments collected during the calendar year 1957, leaving a balance of \$38,185.97 to be collected during the calendar year 1958.

(b) *Rates of assessment.* Of the amount of \$38,185.97 to be collected during the calendar year 1958, the sum of \$29,021.34 shall be assessed against handlers who are manufacturers, and \$9,164.63 shall be assessed against handlers who are wholesalers. The pro rata share of the expenses of the Control Agency to be paid for the calendar year 1958 by each handler who is a manufacturer shall be \$19.96 for each ten thousand dollars or fraction thereof of serum and virus sold by such handler during the calendar year 1957 and the pro rata share of such expenses to be paid for the calendar year 1958 by each handler who is a wholesaler shall be \$25.00 for the first ten thousand dollars or fraction thereof and \$8.80 for each additional ten thousand dollars or fraction thereof of serum and virus sold by such handler. Such assessments shall be paid by each respective handler in accordance with the applicable provisions of the marketing agreement and order (§§ 131.1 to 131.96).

(c) *Terms.* As used in this section, the terms "handler", "manufacturer", "wholesaler", "virus", and "serum" shall have the same meaning as is given to each such term in said marketing agreement and marketing order (§§ 131.1 to 131.96).

SUBPART—RULES AND REGULATIONS OF THE CONTROL AGENCY

§ 131.201 *Public information.* Unless otherwise provided in this part, or by specific direction of the control agency, all price lists, reports, applications, submittals, requests and communications in connection with this part, and rules and regulations thereunder, shall be addressed to the Control Agency, Office of Executive Secretary, 512 Veterans of Foreign Wars Building, Kansas City 2, Missouri.

CLASSIFICATIONS

§ 131.211 *Wholesaler.* That class of buyers comprising (a) persons or agencies who do not administer serum or virus but are regularly engaged in purchasing and maintaining stocks of serum or virus in sufficient quantities to supply dealer demand, who are properly located and equipped with proper storage and

distributing facilities to supply dealer demand, who resell principally to dealers, and who shall have been found by the control agency on submitted evidence acceptable to said control agency to perform in good faith the usual functions of a wholesaler, including, but without limitation, the absorbing of all expenses incidental to the advertising, transportation, and selling of serum or virus, after receipt by them, to other trade groups, together with the furnishing of field or veterinary service necessary to determine whether the products sold have served their purpose in specific cases, and (b) persons or agencies who regularly purchase, for delivery within a definite period of time and pay for at seller's posted prices at time of delivery, serum or virus in specified quantities, adequate in the opinion of the control agency to justify such classification.

§ 131.212 Dealer. That class of buyers comprising veterinarians, and other persons regularly engaged in administering serum or virus for service charges, drug stores, county farm bureaus, purchasers of serum for use in U. S. licensed stock yards vaccination, and agencies who maintain stocks of serum or virus in sufficient quantities under proper storage and distributive facilities for resale to ultimate consumers (owners of swine).

§ 131.213 Consumers. That class of buyers comprising persons or agencies who are owners of swine and who are not otherwise classified pursuant to the provisions of this part.

§ 131.214 Lay-vaccinator. A person who is not a licensed veterinarian but who is regularly engaged in administering serum or virus for service charges. Such person is classified as a "dealer".

§ 131.215 Other dealers. Federal, State, county, and municipal institutions that are not otherwise classified pursuant to provisions of this part are classified as dealers with respect to purchases of serum or virus for use on swine owned by such institutions.

DEFINITIONS OF TERMS USED IN THIS PART

§ 131.221 Meaning of terms. Terms defined in this subpart shall, when used in this subpart, have the same meaning as set forth in §§ 131.1 to 131.96.

§ 131.222 Definite period of time. The term "within a definite period of time" as used in § 131.8 means the calendar year immediately preceding the date of application for classification as wholesaler.

§ 131.223 Specified quantities. The term "specified quantities" as used in § 131.8 (b) means: (a) 15,000,000, or more, cubic centimeters of serum and 1,000,000, or more, cubic centimeters of virulent virus; or (b) such quantity of virus necessary to vaccinate not less than 500,000 swine in accordance with the manufacturer's true container label recommendation.

§ 131.224 Time of delivery. The term "time of delivery" as used in § 131.8, and in this subpart, means the time when physical possession of the products sold is surrendered by the seller to the buyer

or to a carrier for and on behalf of the buyer.

§ 131.225 Each handler's prices, discounts and terms of sale. The term "Each handler's prices, discounts and terms of sale shall be uniform for all buyers in each classification" as used in § 131.51 means that each handler's prices, discounts and terms of sale shall apply equally, in the same manner, and at the same rate to each buyer within the same class, and no individual handler shall make variations in his prices, discounts and terms of sale on account of different brands, serial numbers, or any other means of identification of such serum or virus.

§ 131.226 Price list. The term "price list", as used in § 131.52 means a list on the form prescribed in § 131.252 containing effective prices, discounts and terms of sale of serum or virus.

§ 131.227 Prices. The term "prices" as used in § 131.51 means the sum or sums of money which the seller asks and receives from the purchaser in exchange for serum or virus. The price applicable to a particular sale shall be the seller's posted price at the time of the delivery of the product sold.

§ 131.228 Discounts. The term "discounts" as used in § 131.51 means that percentage of the invoice price of serum or virus, or that amount of money which the purchaser may deduct from the invoice price for payment at a time stated prior to the due date of such invoice.

§ 131.229 Terms of sale. The words "terms of sale" as used in § 131.51 mean the time or date at which the invoice price of serum or virus is due and payable.

§ 131.230 Regularly engaged. A person is "regularly engaged in administering serum or virus" within the meaning of § 131.9 if he is customarily and seasonally employed by a body of patrons or customers to administer serum or virus to swine owned by such patrons or customers.

§ 131.231 For service charges. The term "for service charges" as used in § 131.9 means all remuneration received for administering serum or virus to swine, including any profit derived from the sale of serum or virus so administered.

§ 131.232 Who resell principally to dealers. The term "who resell principally to dealers" contained in §§ 131.8 and 131.211 means not less than 75 percent of the handler's total sales of serum and virus shall be made to dealers. Such handler shall be a bona fide wholesaler of other products handled by him for the treatment of animals and poultry.

CLASSIFYING, LISTING, AND DELETING WHOLESALERS

§ 131.241 Listing of handlers. The control agency shall furnish the Secretary of Agriculture and each handler with a list of all handlers of serum or virus. Such list shall include all producers and all persons who have been classified as wholesalers by the control

agency. No person is a wholesaler unless he has been classified as such by the control agency and his name appears on the list of handlers as described in this section.

§ 131.242 Manner of classifying wholesalers. Any person not presently so classified who desires to be classified as a wholesaler must apply for such classification on a form prescribed by the control agency and must prove to the satisfaction of the control agency that he performs the functions required by § 131.8, or that he meets the requirements of § 131.8, as further defined by §§ 131.222 and 131.223. The form of such application is as follows:

APPLICATION FOR CLASSIFICATION AS A WHOLESALER OF ANTI-HOG-CHOLERA SERUM OR HOG-CHOLERA VIRUS

Control Agency,
Office of Executive Secretary,
512 Veterans of Foreign Wars Building,
Kansas City 2, Missouri.

The undersigned petitions the Control Agency to consider the facts set forth in the following application to determine if the applicant qualifies as a wholesaler pursuant to the approved Marketing Agreement and Order as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus:

- Name and address of applicant:
Firm Name _____
Address _____
(Street address) (City)
(Zone number) (State)
- State if applicant is an:
(a) Individual _____
(b) Partnership (list the partners) _____
(c) Corporation (list the officers and name State of incorporation) _____
(d) Unincorporated association _____
(e) Other (State) _____
- List persons (and titles) authorized to handle matters pertaining to the Marketing Order as amended _____
- What other firm names, if any, are used or will be used in advertising, selling and shipping serum and virus? _____
- If you manufacture any products, give full information: _____
- Do you act as a manufacturer's agent for any products handled by your firm? _____
- How long have you been in your present business? _____
- Does any manufacturer of veterinary products, or any handler, veterinarian, druggist, or swine owner have a direct or indirect financial interest in your firm? _____ If so, explain _____
- Does, or will, any officer or employee of your firm practice veterinary medicine? _____ Administer serum and virus to swine? _____ Will you employ anyone to vaccinate? _____
- Are you an owner of swine? _____ If so, explain _____
- Are you a veterinarian, county agent, or vocational agriculture teacher? _____ If so, state _____
- Do you purchase supplies for an institution? _____ If so, explain _____
- At present, what is your principal business? _____

14. If you have any branch offices, list them _____
15. Will these branches market serum and virus if you are approved as a wholesaler? _____
16. Are you listed in Dun & Bradstreet? _____
Hayes Directory? _____
17. Have you ever, or do you hold now, a license from the U. S. Department of Agriculture? _____
Explain _____

APPLICANT'S BACKGROUND

1. Have you ever handled any serum and virus, or any veterinary products? _____
If so, explain _____
2. Have you ever made a request for classification to the Control Agency? _____
If so, give details, and resultant action: _____
3. Is there any handler (manufacturer or wholesaler) of serum and virus you care to give as reference? _____
4. Are you familiar with livestock diseases? _____
If so, state basis of your experience and training: _____
5. If you purchased serum and virus last year, indicate the approximate quantity: Serum _____ cc's. Virulent Virus _____ cc's, Inactivated Virus _____ doses, Modified Virus which must be used with serum _____ doses, Modified Virus which may be used without serum _____ doses.

STORAGE FACILITIES

1. Do you regularly maintain in stock a line of: _____
(a) Biologicals _____
(b) Pharmaceuticals _____
(c) Instruments _____
(d) Human health preparations _____
2. Do you now maintain stocks of serum and virus at all times? _____ If so, give minimum: Serum _____ cc's. Virulent Virus _____ cc's, Inactivated Virus _____ doses, Modified Virus which must be used with serum _____ doses, Modified Virus which may be used without serum _____ doses.
3. If it is determined that you qualify under the Marketing Order as amended as a wholesaler, what do you estimate your minimum stocks will be for: Serum _____ cc's. Virulent Virus _____ cc's, Inactivated Virus _____ doses, Modified Virus which must be used with serum _____ doses, Modified Virus which may be used without serum _____ doses.
4. Describe your refrigerator or cooling equipment: _____
(a) Capacity in cubic feet _____
(b) State whether it is electric, gas or ice _____
5. What is the temperature maintained in your refrigerator? _____
6. Do you contemplate additional refrigeration? _____; If so, describe _____
Is additional refrigerator space available for your temporary use? _____

SHIPPING FACILITIES

1. State the approximate size of your shipping room at your place of business: _____
2. Is the serum and virus sold by you packed at and shipped from your established place of business, including any branches you may own? _____ If not, explain _____
3. Is all the shipping, selling and advertising of serum and virus done in the name of the applicant? _____ If not, will this be done if it is determined that you qualify as a wholesaler? _____
4. Do you now pay shipping charges on serum and virus sold to your customers? _____

5. Does your supplier drop ship for you? _____

ADVERTISING

1. How do you advertise now? _____
2. How will you advertise if it is determined that you qualify as a wholesaler? _____
3. State the number of your salesmen who sell in a territory full-time _____; part-time _____. Are you one of these salesmen? _____ If so, will you continue to sell in a territory if you qualify as a wholesaler? _____
4. If it is determined that you come within the scope of the Marketing Order as amended, how many outside salesmen will you have selling serum and virus full-time _____; part-time _____
5. If you qualify as a wholesaler, what is the average number of days per week your salesmen will be traveling and contacting dealers for sales of serum and virus and other veterinary products? _____

SALES AND FACILITIES

1. What percentage of total sales of serum and virus would you expect to make to dealers if you qualify as a wholesaler? _____
2. What percentage of your total sales of all other products do you, or would you, expect to make to dealers? _____
3. State the approximate number of dealers you expect to serve _____ Give the geographical area in which they are located: _____
4. Will you be in a position to furnish or provide field or veterinary service in any case where the virulence or potency of serum and virus sold by you is questioned? _____ State the means to be used: _____
5. State the approximate number of wholesale houses that are located in your city, and which handle products other than serum and virus: _____
6. Do you intend to solicit business from: _____
(a) Veterinarians _____
(b) County farm bureaus _____
(c) Retail drug stores _____
(d) Lay-vaccinators _____
(e) U. S. Licensed Stockyards _____
(f) Consumers (Owners of swine) _____
(g) Others (State) _____

TRANSPORTATION FACILITIES

1. What is the population of the city where your place of business is located? _____
2. Describe airline facilities: _____
(a) Names of airlines _____
(b) Frequency of flights carrying shipments _____
(c) Direction of operation _____
3. Describe railroad facilities: _____
(a) Names of railroads _____
(b) Frequency of operation _____
(c) Direction of operation _____
4. Describe bus line or truck line facilities for shipping serum and virus: _____
(a) Name of lines _____
(b) Frequency of operation _____
(c) Direction of operation _____
5. Is your present location within city limits? _____
6. Do you operate from your home? _____
From a regular office? _____
7. Do you share an office with any other firm, agency, or individual? _____ If so, explain: _____

Give below any other information that would be of assistance to the Control Agency in making a proper determination (reason for desiring this classification, etc.): _____

Have you read the Marketing Order as amended, and do you understand it? _____
Is it your opinion that you qualify as a wholesaler? _____

Would you be willing to come to a Control Agency meeting at your own expense? _____

All further information requested by the Control Agency for the purpose of determining the proper classification of the applicant will be furnished by the undersigned.

If the Control Agency finds the applicant should properly be classified as a handler, applicant agrees to assume all the obligations and responsibilities of a wholesaler, including the payment of assessments which may be levied against the undersigned by the Secretary of Agriculture pursuant to the Marketing Order as amended.

Application fee of \$25.00 is enclosed herewith. It is understood the fee will be returned to the undersigned if it is determined that the applicant does not qualify as a wholesaler under the Marketing Order as amended.

Firm Name _____

Official _____

(Signature and title)

On this _____ day of _____, 19____, before me, _____, a Notary Public, personally appeared _____, and first being duly sworn upon oath declares that he is an officer or employee of the aforesaid applicant, and that the information set forth herein is true and correct as he verily believes.

(Notary Public)

My commission expires _____
[Any false, fictitious or fraudulent statement or representation on this form may subject the maker thereof to a fine of not more than \$10,000.00 or imprisonment of not more than 5 years, or both. (18 U. S. C. 1001.)]

§ 131.243 Deletion of wholesaler from list of handlers. Any person who has been classified as a wholesaler may be deleted from the list of handlers, and lose such classification of wholesaler, if at any time such person (a) requests or authorizes such deletion; (b) sells or transfers to any other person the business of his wholesale establishment; or (c) if the control agency finds, upon the basis of evidence satisfactory to it, that such person is no longer performing the functions of or meeting the requirements of a wholesaler as defined in § 131.8 (a) and (b), and further defined in these rules and regulations.

§ 131.244 Notice of deletion from list of handlers. A wholesaler who has not requested or authorized deletion of his name from the list of handlers, or who has not sold the business of his wholesale establishment, shall not be deleted from the list of handlers unless at least ten days prior to the date of such deletion he is notified in writing of the facts or conduct which, in the opinion of the control agency, warrants deletion from the list of handlers. An opportunity shall be afforded such person to appear before the control agency, or otherwise to submit evidence showing justification or cause why the deletion should not be made. The notice may be sent by registered mail or delivered in person by an officer or employee of the control agency at the address appearing on the latest effective price list which such wholesaler filed with the control agency.

FORM OF PRICE LIST

§ 131.251 Filing of price list. All price lists shall be filed with the office of the Executive Secretary on the form prescribed in § 131.252; Provided, however, That the handlers filing price lists by telegram shall confirm the telegram by mailing on the same date the prop-

erly signed form of price list as prescribed in § 131.252. A price list or an amended price list shall be filed in the office of the Control Agency only during the designated business hours of such office. The office of the Control Agency shall be open for the transaction of official business on Monday through Friday of each week between the hours of 9 a. m. and 5 p. m., except for those days falling on a Federal legal holiday.

§ 131.252 Form of price list.

POSTED PRICES

To be filled in by Control Agency

No. A—

Filed:

Effective:

In accordance with the provisions of the approved Marketing Agreement and Order, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus, the undersigned files this price list and respectfully represents to the Secretary of Agriculture, the Control Agency and all other handlers that, during the period this price list is in effect, all serum and virus sold by the undersigned to buyers in the classes named herein will be at the following prices, discounts and terms of sale at time of delivery, it being understood that the term "time of delivery" means the time when physical possession of the products sold is surrendered by the undersigned to the buyer or to a carrier for and on behalf of the buyer.

Product	Price	Terms of sale and discounts
Consumers—owners of swine:		
Serum.....	per 100 cc.....	
Antibody concentrate.....	per 100 cc.....	
Virulent virus.....	per 100 cc.....	
Inactivated virus.....	per dose.....	
Modified virus:		
Must be used with serum. ¹	per dose.....	
May be used without serum. ¹	per dose.....	
Dealers:		
Serum.....	per 100 cc.....	
Antibody concentrate.....	per 100 cc.....	
Virulent virus.....	per 100 cc.....	
Inactivated virus.....	per dose.....	
Modified virus:		
Must be used with serum. ¹	per dose.....	
May be used without serum. ¹	per dose.....	
Wholesalers:		
Serum.....	per 100 cc.....	
Antibody concentrate.....	per 100 cc.....	
Virulent virus.....	per 100 cc.....	
Inactivated virus.....	per dose.....	
Modified virus:		
Must be used with serum. ¹	per dose.....	
May be used without serum. ¹	per dose.....	

¹ The prices quoted are in accordance with the type as identified by the recommendations of the manufacturer as shown on the true container label of the product.

Where prices, terms of sale and discounts are omitted from this list with respect to any of the above classes of buyers, undersigned states that he makes no sales to such classes.

Signed _____
By _____
Address _____

§ 131.253 Notification of filing price list. Upon the filing of a new or amended price list the Executive Secretary of the Control Agency shall immediately mail to each manufacturer and wholesaler handler and to the Secretary written notice thereof. The notification of the filing of a new or amended price list to any person shall be given only by United States mail, including air mail if so requested. The Executive Secretary and

the employees of the Control Agency are prohibited from giving to any person any information with respect to the filing of a new or amended price list, or the contents thereof, except in the manner provided in this section; Provided, however, that information with respect thereto may be given in any manner after such price list has become effective.

§ 131.261 Reports of sales and inventories. Each producer handler shall make reports to the Director, Animal Inspection and Quarantine Division, United States Department of Agriculture, Washington, D. C., on forms prescribed by him, showing his monthly sales and inventories of serum and virus.

SUBPART—INTERPRETATIVE RULINGS OF THE SECRETARY

§ 131.300 Filing of prices. An effective price may not be posted under the provisions of this part for anti-hog-cholera serum or hog-cholera virus in combination with any other biological product.

PART 132—GENERAL REGULATIONS

Subpart A—Rules of Practice and Procedure Governing Proceedings To Formulate Marketing Agreements and Marketing Orders Applicable to Anti-Hog-Cholera Serum and Hog-Cholera Virus

Sec.	
132.1	Meaning of words.
132.2	Definitions.
132.3	Proposals.
132.4	Institution of proceeding.
132.5	Docket number.
132.6	Presiding officers.
132.7	Motions and requests.
132.8	Conduct of the hearing.
132.9	Oral and written arguments.
132.10	Certification of the transcript.
132.11	Copies of the transcript.
132.12	Director's recommended decision.
132.13	Submission to Secretary.
132.13a	Decision by Secretary.
132.14	Execution of marketing agreement and issuance of marketing order.
132.15	Filing; extensions of time; effective date of filing; and computation of time.
132.16	Discussion of issues, etc., of proceeding prohibited.
132.17	Additional documents to be filed with hearing clerk.
132.18	Hearing before Secretary.

Subpart B—Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From Marketing Orders

Sec.	
132.50	Meaning of words.
132.51	Definitions.
132.52	Institution of proceeding.
132.52a	Answer to petition.
132.52b	Amended pleadings.
132.53	Withdrawal of petition.
132.54	Docket number.
132.55	Presiding officers.
132.56	Consolidated hearings.
132.57	Intervention.
132.58	Prehearing conferences.
132.59	Motions and requests.
132.60	Oral hearings before presiding officer.
132.61	Depositions.
132.62	Subpenas.
132.63	Fees and mileage.
132.64	The presiding officer's report.
132.65	Transmittal of record.
132.66	Argument before Secretary.
132.67	Consideration and issuance of order.
132.68	Applications for reopening hearings; for rehearings or rearguments of proceedings; or for reconsideration of orders.

Sec.	
132.69	Filing; service; extensions of time; effective date of filing; and computation of time.
132.70	Applications for interim relief.
132.71	Hearing before Secretary.

AUTHORITY: §§ 132.1 to 132.71 issued under secs. 56-60, 49 Stat. 781, as amended, 782; 7 U. S. C. 851-855.

SUBPART A—RULES OF PRACTICE AND PROCEDURE GOVERNING PROCEEDINGS TO FORMULATE MARKETING AGREEMENTS AND MARKETING ORDERS APPLICABLE TO ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

§ 132.1 Meaning of words. Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 132.2 Definitions. As used in this subpart, the terms as defined in the act shall apply with equal force and effect. In addition, unless the context otherwise requires:

(a) The term "act" means Public Law 320, 74th Congress, approved August 24, 1935 (49 Stat. 781; 7 U. S. C. 851-855).

(b) The term "Department" means the United States Department of Agriculture.

(c) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) The term "examiner" means any examiner in the Office of Hearing Examiners, United States Department of Agriculture.

(e) The term "Division" means the Animal Inspection and Quarantine Division, United States Department of Agriculture.

(f) The term "FEDERAL REGISTER" means the publication provided for by Public Law 220, 74th Congress, approved July 26, 1935 (49 Stat. 500; 44 U. S. C. 301 et seq.), and acts supplementary thereto and amendatory thereof.

(g) The term "hearing" means that part of the proceeding which involves the submission of evidence.

(h) The term "marketing agreement" means any marketing agreement or any amendment thereto which may be entered into pursuant to the act.

(i) The term "marketing order" means any order or any amendment thereto which may be issued pursuant to the act.

(j) The term "proceeding" means a proceeding upon the basis of which a marketing agreement may be entered into or a marketing order may be issued.

(k) The term "hearing clerk" means the hearing clerk, United States Department of Agriculture, Washington, D. C.

(l) The term "presiding officer" means the examiner conducting a proceeding under the act.

(m) The term "Director" means the Director of the Animal Inspection and Quarantine Division, United States Department of Agriculture, or any officer or employee of the Animal Inspection and Quarantine Division to whom the Director has heretofore lawfully delegated, or to whom he may hereafter lawfully delegate, the authority to act in his stead.

§ 132.3 Proposals. (a) A marketing agreement may be proposed by the Sec-

retary or by any other person. If any person other than the Secretary proposes a marketing agreement, he shall file with the Director a written application, together with at least four copies of the proposal, requesting the Secretary to hold a hearing upon the proposal. Upon receipt of such proposal, the Director shall cause such investigation to be made and such consideration thereof to be given as, in his opinion, are warranted. If the investigation and consideration lead the Director to conclude that the proposed marketing agreement or marketing order will not tend to effectuate the declared policy of the act, or that for other proper reasons a hearing should not be held on the proposal, he shall deny the application, and promptly notify the applicant of such denial, which notice shall be accompanied by a brief statement of the grounds for the denial.

(b) If the investigation and consideration lead the Director to conclude that the proposed marketing agreement or a marketing order will tend to effectuate the declared policy of the act, he shall recommend to the Secretary that a hearing be held upon the proposal. If the Secretary approves the recommendation, or if the Secretary desires to propose a marketing agreement, or a marketing order, he shall sign and cause to be served a notice of hearing, as hereinafter provided.

§ 132.4 Institution of proceeding—(a) Filing and contents of the notice of hearing. The proceeding shall be instituted by filing the notice of hearing with the hearing clerk. The notice of hearing shall contain a reference to the authority under which the marketing agreement or marketing order is proposed; shall define the scope of the hearing as specifically as may be practicable; shall contain either the terms or substance of the proposed marketing agreement or marketing order or a description of the subjects and issues involved; and shall state the industry, area, and class or classes of persons to be regulated, the time and place of such hearing, and the place where copies of such proposed marketing agreement or marketing order may be obtained or examined. The time of the hearing shall not be less than 15 days after the date of publication of the notice in the FEDERAL REGISTER, as hereinafter provided, unless the Secretary shall determine that an emergency exists which requires a shorter period of notice, in which case the period of notice shall be that which the Secretary may determine to be reasonable in the circumstances: *Provided, That, in the case of hearings on amendments to marketing agreements or marketing orders, the time of the hearing may be less than 15 days but shall not be less than 3 days after the date of publication of the notice in the FEDERAL REGISTER.*

(b) *Giving notice of hearing.* (1) Upon the filing of the notice of the hearing, the hearing clerk shall give or cause to be given notice of the hearing in the following manner:

(i) By publication of the notice of hearing in the FEDERAL REGISTER;

(ii) By mailing a true copy of the notice of hearing to each of the persons

known to the Director to be interested therein;

(iii) By issuing a press release containing the complete text or a summary of the contents of the notice of hearing and making the same available to such newspapers as reasonably will tend to bring the notice to the attention of the persons interested therein;

(iv) By forwarding copies of the notice of hearing addressed to the governors of such of the several States of the United States and to executive heads of such of the Territories and possessions of the United States as the Director, having due regard for the subject matter of the proposal and the public interest, shall determine should be notified.

(2) Legal notice of the hearing shall be deemed to be given if notice is given in the manner provided by subparagraph (1) (i) of this paragraph; and failure to give notice in the manner provided in subdivisions (ii), (iii), and (iv) of said subparagraph shall not affect the legality of the notice.

(c) *Proof of the giving of notice.* Proof of the giving of notice (other than by publication in the FEDERAL REGISTER) shall be by the affidavit or certificate of the person giving the same. Such affidavit or certificate shall be filed with the hearing clerk and the filing thereof shall be noted on the docket of the proceeding.

§ 132.5 Docket number. Each proceeding, immediately following its institution, shall be assigned a docket number by the hearing clerk and thereafter the proceeding may be referred to by such number.

§ 132.6 Presiding officers—(a) Assignment. No presiding officer who has any pecuniary interest in the outcome of a proceeding shall serve as presiding officer in such proceeding.

(b) *Powers of presiding officers.* Subject to review by the Secretary, as provided elsewhere in this subpart, the presiding officer, in any proceeding shall have power to:

(1) Rule upon motions and requests;

(2) Change the time and place of hearing, and adjourn the hearing from time to time or from place to place;

(3) Administer oaths and affirmations and take affidavits;

(4) Examine witnesses;

(5) Admit or exclude evidence;

(6) Hear oral argument on facts or law;

(7) Do all acts and take all measures necessary for the maintenance of order at the hearing and the efficient conduct of the proceeding.

(c) *Who may act in absence of presiding officer.* In case of the absence of the presiding officer or his inability to act, the powers and duties to be performed by him under this part in connection with a proceeding may, without abatement of the proceeding unless otherwise ordered by the Secretary, be assigned to any other presiding officer.

(d) *Disqualification of presiding officer.* The presiding officer may at any time withdraw as presiding officer in a proceeding if he deems himself to be disqualified. Upon the filing by an inter-

ested person in good faith of a timely and sufficient affidavit of personal bias or disqualification of a presiding officer, the Secretary shall determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as he may deem appropriate in the circumstances.

§ 132.7 Motions and requests—(a) General. All motions and requests shall be filed with the hearing clerk, except that those made during the course of the hearing may be filed with the presiding officer or may be stated orally and made a part of the transcript. Except as provided in § 132.15 (b) such motions and requests shall be addressed to, and ruled on by, the presiding officer if made prior to his certification of the transcript pursuant to § 132.10 or by the Secretary if made thereafter.

(b) *Certification to Secretary.* The presiding officer may in his discretion submit or certify to the Secretary for decision any motion, request, objection, or other question addressed to the presiding officer.

§ 132.8 Conduct of the hearing—(a) Time and place. The hearing shall be held at the time and place fixed in the notice of hearing, unless the presiding officer shall have changed the time or place, in which event the presiding officer shall file with the hearing clerk a notice of such change, which notice shall be given in the same manner as provided in § 132.4 (relating to the giving of notice of the hearing): *Provided, That, if the change in time or place of hearing is made less than 5 days prior to the date previously fixed for the hearing, the presiding officer, either in addition to or in lieu of causing the notice of the change to be given, shall announce, or cause to be announced, the change at the time and place previously fixed for the hearing.*

(b) *Appearances—(1) Right to appear.* At the hearing, any interested person shall be given an opportunity to appear, either in person or through his authorized counsel or representative, and to be heard with respect to matters relevant and material to the proceeding. Any interested person who desires to be heard in person at any hearing under these rules shall, before proceeding to testify, state his name, address, and occupation. If any such person is appearing through a counsel or representative, such person or such counsel or representative shall, before proceeding to testify or otherwise to participate in the hearing, state for the record the authority to act as such counsel or representative, and the names and addresses and occupations of such person and such counsel or representative. Any such person or such counsel or representative shall give such other information respecting his appearance as the presiding officer may request.

(2) *Debarment of counsel or representative.* (i) Whenever, while a proceeding is pending before him, the presiding officer finds that a person, acting as counsel or representative for any person participating in the proceeding, is

guilty of unethical or unprofessional conduct, the presiding officer may order that such person be precluded from further acting as counsel or representative in such proceeding. An appeal to the Secretary may be taken from any such order, but the proceeding shall not be delayed or suspended pending disposition of the appeal: *Provided*, That the presiding officer may suspend the proceeding for a reasonable time for the purpose of enabling the client to obtain other counsel or other representative.

(1) In case the presiding officer has ordered that a person be precluded from further acting as counsel or representative in the proceeding, the presiding officer, within a reasonable time thereafter, shall submit to the Secretary a report of the facts and circumstances surrounding such order and shall recommend what action the Secretary should take respecting the appearance of such person as counsel or representative in other proceedings before the Secretary. Thereafter the Secretary may, after notice and an opportunity for hearing, issue such order, respecting the appearance of such person as counsel or representative in proceedings before the Secretary, as the Secretary finds to be appropriate.

(3) *Failure to appear.* If any interested person fails to appear at the hearing, he shall be deemed to have waived the right to be heard in the proceeding.

(c) *Order of procedure.* (1) The presiding officer shall have noted on the record his designation as presiding officer and the notice of the hearing as filed with the Division of the Federal Register, National Archives. This shall be done by filing as an exhibit for the record a copy of the Federal Register containing such designation and such notice, or a duly certified copy of such designation and notice.

(2) Evidence shall then be received with respect to the matters specified in the notice of the hearing in such order as the presiding officer shall announce.

(d) *Evidence—(1) In general.* (1) The hearing shall be publicly conducted, and the testimony given at the hearing shall be reported verbatim.

(2) Every witness shall, before proceeding to testify, be sworn or make affirmation. Cross-examination shall be permitted to the extent required for a full and true disclosure of the facts.

(3) When necessary, in order to prevent undue prolongation of the hearing, the presiding officer may limit the number of times any witness may testify to the same matter or the amount of corroborative or cumulative evidence.

(4) The presiding officer shall, insofar as practicable, exclude evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

(2) *Objections.* (i) If a party objects to the admission or rejection of any evidence or to any other ruling of the presiding officer during the hearing, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the presiding officer. The

transcript shall not include argument or debate thereon except as ordered by the presiding officer. The ruling of the presiding officer on any objection shall be a part of the transcript.

(ii) Only objections made before the presiding officer may subsequently be relied upon in the proceeding.

(3) *Proof and authentication of official records or documents.* An official record or document, when admissible for any purpose, shall be admissible as evidence without the production of the person who made or prepared the same. Such record or document shall, in the discretion of the presiding officer, be evidenced by an official publication thereof or by a copy attached by the person having legal custody thereof and accompanied by a certificate that such person has the custody.

(4) *Exhibit.* All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall, after identification by the proponent and upon satisfactory showing of the authenticity, relevancy, and materiality of the contents thereof, be numbered as exhibits and received in evidence and made a part of the record. Such exhibits shall be submitted in quadruplicate and in documentary form. In case the required number of copies is not made available, the presiding officer shall exercise his discretion as to whether said exhibits shall, when practicable, be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the presiding officer. If the testimony of a witness refers to a statute, or to a report or document (including the record of any previous hearing), the presiding officer, after inquiry relating to the identification of such statute, report, or document, shall determine whether the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit, or whether it shall be incorporated into the evidence by reference. If relevant and material matter offered in evidence is embraced in a report or document (including the record of any previous hearing) containing immaterial or irrelevant matter, such immaterial or irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer.

(5) *Official notice.* Official notice may be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific or commercial fact of established character: *Provided*, That interested persons shall be given adequate notice, at the hearing or subsequent thereto, of matters so noticed and shall be given adequate opportunity to show that such facts are inaccurate or are erroneously noticed.

(6) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript in toto. In such

event, it shall be considered a part of the transcript if the Secretary decides that the presiding officer's ruling in excluding the evidence was erroneous. The presiding officer shall not allow the insertion of such evidence *in toto* if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Secretary decides that the presiding officer erred in excluding the evidence, and that such error was substantial, the hearing shall be reopened to permit the taking of such evidence.

§ 132.9 Oral and written arguments—

(a) *Oral argument before presiding officer.* Oral argument before the presiding officer shall be in the discretion of the presiding officer. Such argument, when permitted, may be limited by the presiding officer to any extent that he finds necessary for the expeditious disposition of the proceeding and shall be reduced to writing and made part of the transcript.

(b) *Briefs, proposed findings and conclusions.* The presiding officer shall announce at the hearing a reasonable period of time within which interested persons may file with the hearing clerk proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing, citing, where practicable, the page or pages of the transcript of the testimony where such evidence appears. Factual material other than that adduced at the hearing or subject to official notice shall not be alluded to therein, and, in any case, shall not be considered in the formulation of the marketing agreement or marketing order. If the person filing a brief desires the Secretary to consider any objection made by any such person to a ruling of the presiding officer, as provided in § 132.8 (d), he shall include in the brief a concise statement concerning each such objection, referring, where practicable, to the pertinent pages of the transcript.

§ 132.10 Certification of the transcript.

The presiding officer shall notify the hearing clerk of the close of a hearing as soon as possible thereafter and of the time for filing written arguments, briefs, proposed findings and proposed conclusions, and shall furnish the hearing clerk with such other information as may be necessary. As soon as possible after the hearing, the presiding officer shall transmit to the hearing clerk an original and three copies of the transcript of the testimony and the original and all copies of the exhibits not already on file in the office of the hearing clerk. He shall attach to the original transcript of testimony his certificate stating that, to the best of his knowledge and belief, the transcript is a true transcript of the testimony given at the hearing except in such particulars as he shall specify; and that the exhibits transmitted are all the exhibits as introduced at the hearing with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript of testimony. In accordance with such certificate the hearing clerk shall note upon each copy of the transcript each correction detailed

therein by adding or crossing out (but without obscuring the text as originally transcribed) at the appropriate place any words necessary to make the same conform to the correct meaning, as certified by the presiding officer.

§ 132.11 *Copies of the transcript.* A copy of the transcript shall be kept on file in the office of the hearing clerk, where it shall be available for examination during official hours of business, but such copy shall remain the property of the Department and may not be removed from said office. If a personal copy of the transcript is desired, such copy may be obtained upon written application filed with the reporter, and upon payment of fees at the rate (if any) provided in the contract between the reporter and the Secretary.

§ 132.12 *Director's recommended decision—(a) Preparation.* As soon as practicable following the termination of the period allowed for the filing of written arguments or briefs and proposed findings and conclusions, the Director shall file with the hearing clerk a recommended decision.

(b) *Contents.* The Director's recommended decision shall include: (1) A preliminary statement containing a description of the history of the proceedings, a brief explanation of the material issues of fact, law, or discretion presented on the record, and proposed findings and conclusions with respect to such issues as well as the reasons or basis therefor; (2) a ruling upon each proposed finding or conclusion submitted by interested persons; and (3) an appropriate proposed marketing agreement or marketing order effectuating his recommendations.

(c) *Exceptions to recommended decision.* Immediately following the filing of his recommended decision, the Director shall give notice thereof, and opportunity to file exceptions thereto, to all interested persons in the same manner as provided in § 132.4 (relating to the giving of notice of the hearing). Within a period of time specified in such notice (to be fixed by the Director, but not to exceed 20 days) after the filing of the recommended decision with the hearing clerk, any interested person may then file with the hearing clerk, exceptions to the Director's proposed marketing agreement or marketing order, or both, as the case may be, and a brief in support of such exceptions. Such exceptions shall be in writing, shall refer, where practicable, to the related pages of the transcript and may suggest appropriate changes in the proposed marketing agreement or marketing order.

(d) *Omission of recommended decision.* The procedure provided in this section may be omitted only if the Secretary finds on the basis of the record that due and timely execution of his functions imperatively and unavoidably requires such omission.

§ 132.13 *Submission to Secretary.* Upon the expiration of the period allowed for filing exceptions or upon request of the Secretary, the hearing clerk shall transmit to the Secretary the record of the proceeding. Such record shall

include: all motions and requests filed with the hearing clerk and rulings thereon; the certified transcript; any proposed findings or conclusions or written arguments or briefs that may have been filed; the Director's recommended decision, if any, and such exceptions as may have been filed.

§ 132.13a *Decision by Secretary.* (a) After due consideration of the record, the Secretary shall render a decision.

(b) Such decision shall become a part of the record and shall include (1) a statement of his findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, (2) a ruling upon each proposed finding and proposed conclusion not previously ruled upon in the record, (3) a ruling upon each exception filed by interested persons, and (4) either (i) a denial of the proposal to issue a marketing agreement or marketing order or (ii) a marketing agreement and, if the findings upon the record so warrant, a marketing order, the provisions of which shall be set forth directly or by reference, regulating the handling of anti-hog-cholera serum and hog-cholera virus in the same manner and to the same extent as such marketing agreement, which order shall be complete except for its effective date and any determinations to be made under § 132.14 (b); *Provided*, That such marketing order shall not be executed, issued, or made effective until and unless the Secretary determines that the requirements of § 132.14 (b) have been met.

§ 132.14 *Execution of marketing agreement and issuance of marketing order—(a) Execution of marketing agreement.* If the Secretary has approved a marketing agreement, as provided in § 132.13a, the Director shall cause copies thereof to be distributed for execution by the handlers eligible to become parties thereto. If and when such number of the handlers as the Secretary shall deem to be sufficient shall have executed the marketing agreement, the Secretary shall execute the same, and notice of its effective date shall be mailed by the hearing clerk to each person signatory thereto. A marketing agreement shall be effective and binding upon any party thereto even though such party may not have received the notice provided for in this paragraph, or the hearing clerk may have failed to mail such notice.

(b) *Issuance of marketing order with marketing agreement.* Whenever, as provided in paragraph (a) of this section, the Secretary executes a marketing agreement, and handlers also have executed the same as provided in section 59 of the act, he shall, if he finds that it will tend to effectuate the purposes of the act, issue and make effective the marketing order, if any, which was filed as a part of his decision pursuant to § 132.13a.

(c) *Effective date of marketing order.* No marketing order shall become effective less than 30 days after its publication in the FEDERAL REGISTER, unless the Secretary upon good cause found and published with the order, fixes an earlier effective date therefor: *Provided*, That no marketing order shall become effective as to any person sought to be

charged thereunder before either (1) it has been filed with the Division of the Federal Register, or (2) such person has received actual notice of the issuance and terms of the marketing order.

(d) *Notice of issuance.* After the issuance of a marketing order, such order shall be filed with the hearing clerk, and notice thereof, together with notice of the effective date, shall be given in the same manner as provided in § 132.4 (relating to the giving of notice of hearing).

§ 132.15 *Filing; extension of time; effective date of filing; and computation of time—(a) Filing, number of copies.* Except as is provided otherwise in this subpart, all documents or papers required or authorized by the foregoing provisions of this subpart to be filed with the hearing clerk shall be filed in quadruplicate. Any document or paper, so required or authorized to be filed with the hearing clerk, shall, during the course of an oral hearing, be filed with the presiding officer.

(b) *Extensions of time.* The time for the filing of any document or paper required or authorized by the foregoing provisions of this subpart to be filed may be extended by the presiding officer (before the record is certified by the presiding officer) or by the Director (after the record is so certified by the presiding officer but before it is transmitted to the Secretary), or by the Secretary (after the record is transmitted to the Secretary) upon request filed, and if, in the judgment of presiding officer, Director, or the Secretary, as the case may be, there is good reason for the extension. All rulings made pursuant to this paragraph shall be filed with the hearing clerk.

(c) *Effective date of filing.* Any document or paper required or authorized by this section to be filed shall be deemed to be filed when it is postmarked or when it is received by the hearing clerk.

(d) *Computation of time.* Sundays and Federal holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided*, That, when such time expires on a Sunday or legal holiday, such period shall be extended to include the next following business day.

§ 132.16 *Discussion of issues, etc., of proceeding prohibited.* Except as may be provided otherwise in this subpart, no officer or employee of the Department shall, following the close of the hearing in a marketing agreement proceeding and prior to the execution of a marketing agreement or the issuance of a marketing order therein, discuss the issues, merits, or evidence involved in the proceeding with any person interested in the result of the proceeding or with any representative of such person: *Provided, however*, That the provisions of this section shall not preclude an officer or employee who has been duly assigned to, or who has supervision over, a proceeding from discussing with interested persons or their representatives matters of procedure in connection with such proceeding. Insofar as the provisions of this section are inconsistent with the provisions of Regulation 1544 of the publication entitled "Regulations of the U. S.

Department of Agriculture," the provisions of this section shall prevail.

§ 132.17 *Additional documents to be filed with hearing clerk.* In addition to the documents or papers required or authorized by the foregoing provisions of this subpart to be filed with the hearing clerk, the hearing clerk shall receive for filing and shall have custody of all papers, reports, records, orders, and other documents which relate to the administration of any marketing agreement or marketing order and which the Secretary is required to issue or to approve.

§ 132.18 *Hearing before Secretary.* The Secretary may act in the place and instead of a presiding officer in any proceeding under this subpart. When he so acts the hearing clerk shall transmit the record to the Secretary at the expiration of the period provided for the filing of proposed findings of fact, conclusions and orders, and the Secretary shall thereupon, after due consideration of the record, issue his final decision in the proceeding: *Provided*, That he may issue a tentative decision in which event the parties shall be afforded an opportunity to file exceptions before the issuance of the final decision.

SUBPART B—RULES OF PRACTICE GOVERNING PROCEEDINGS ON PETITIONS TO MODIFY OR TO BE EXEMPTED FROM MARKETING ORDERS

§ 132.50 *Meaning of words.* Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 132.51 *Definitions.* As used in this subpart, the terms as defined in the act shall apply with equal force and effect. In addition, unless the context otherwise requires:

(a) The term "act" means Public Act No. 320, 74th Congress, approved August 24, 1935 (49 Stat. 781; 7 U. S. C. 851-855).

(b) The term "Department" means the United States Department of Agriculture.

(c) The term "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom the Secretary has heretofore lawfully delegated, or to whom the Secretary may hereafter lawfully delegate, the authority to act in his stead.

(d) The term "examiner" means any examiner in the Office of Hearing Examiners, United States Department of Agriculture.

(e) The term "Division" means the Animal Inspection and Quarantine Division, United States Department of Agriculture.

(f) The term "Director" means the Director of the Animal Inspection and Quarantine Division, United States Department of Agriculture, or any officer or employee of the Animal Inspection and Quarantine Division to whom the Director has heretofore lawfully delegated, or to whom he may hereafter lawfully delegate, the authority to act in his stead.

(g) The term "Federal Register" means the publication provided for by Public Act No. 220, 74th Congress, approved July 26, 1935 (49 Stat. 500; 44 U. S. C. 301 et seq.), and acts supplementary thereto and amendatory thereof.

(h) The term "hearing" means that part of the proceeding which involves the submission of evidence.

(i) The term "marketing order" means any order or any amendment thereto which may be issued pursuant to the act.

(j) The term "handler" means any person who, by the terms of a marketing order, is subject thereto, or to whom a marketing order is sought to be made applicable.

(k) The term "proceeding" means a proceeding before the Secretary arising under the provisions of section 608c (15)

(A) of Public Law 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (15)), applicable under Public Law 320, 74th Congress, approved August 24, 1935, to orders issued pursuant to said act.

(l) The term "hearing" means that part of the proceeding which involves the submission of evidence.

(m) The term "party" includes the Department.

(n) The term "hearing clerk" means the hearing clerk, United States Department of Agriculture, Washington, D. C.

(o) The term "presiding officer" means the examiner conducting a proceeding under the act.

(p) The term "presiding officer's report" means the presiding officer's report to the Secretary and includes the presiding officer's proposed (1) findings of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis therefor, (2) order and (3) rulings on findings, conclusions and orders submitted by the parties.

(q) The term "petition" includes an amended petition.

§ 132.52 *Institution of proceeding—*

(a) *Filing and service of petition.* Any handler desiring to complain that any marketing order or any provision of any such order or any obligation imposed in connection therewith is not in accordance with law, shall file with the hearing clerk, in quadruplicate, a petition in writing addressed to the Secretary. Promptly upon receipt of the petition, the hearing clerk shall transmit a true copy thereof to the Director and the Solicitor, respectively.

(b) *Contents of petition.* A petition shall contain:

(1) The correct name, address, and principal place of business of the petitioner. If petitioner is a corporation, such fact shall be stated, together with the name of the State of incorporation, the date of incorporation, and the names, addresses, and respective positions held by its officers and directors; if an unincorporated association, the names and addresses of its officers, and the respective positions held by them; if a partnership, the name and address of each partner.

(2) Reference to the specific terms or provisions of the order, or the interpretation or application thereof, which are complained of.

(3) A full statement of the facts (avoiding a mere repetition of detailed evidence) upon which the petition is

based, and which it is desired that the Secretary consider, setting forth clearly and concisely the nature of the petitioner's business and the manner in which petitioner claims to be affected by the terms or provisions of the order, or the interpretation or application thereof, which are complained of.

(4) A statement of the grounds on which the terms or provisions of the order, or the interpretation or application thereof, which are complained of, are challenged as not in accordance with law.

(5) Prayers for the specific relief which the petitioner desires the Secretary to grant.

(6) An affidavit by the petitioner, or, if the petitioner is not an individual, by an officer of the petitioner having knowledge of the facts stated in the petition, verifying the petition and stating that it is filed in good faith and not for purposes of delay.

(c) *Application to dismiss petition—*

(1) *Filing, contents, and responses thereto.* If the Director is of the opinion that the petition, or any portion thereof, does not substantially comply, in form or content, with the act or with the requirements of paragraph (b) of this section, or is not filed in good faith, or is filed for purposes of delay, he may, within 30 days after the filing of the petition, file with the hearing clerk an application to dismiss the petition, or any portion thereof, on one or more of the grounds stated in this paragraph. Such application shall specify the grounds of objection to the petition and, if based, in whole or in part, on allegations of fact not appearing on the face of the petition, shall be accompanied by appropriate affidavits or documentary evidence substantiating such allegations of fact. The application may be accompanied by a memorandum of law. Upon receipt of such application, the hearing clerk shall cause a copy thereof to be served upon the petitioner, together with a notice stating that all papers to be submitted in opposition to such application, including any memorandum of law, must be filed by the petitioner with the hearing clerk not later than 20 days after the service of such notice upon the petitioner. Upon the expiration of the time specified in such notice, or upon receipt of such papers from the petitioner, the hearing clerk shall transmit all papers which have been filed in connection with the application to the Secretary for his consideration.

(2) *Decision by Secretary.* The Secretary, after due consideration, shall render a decision upon the application, stating the reasons for his action. Such decision shall be in the form of an order and shall be filed with the hearing clerk who shall cause a copy thereof to be served upon the petitioner and a copy thereof to be transmitted to the Director. Any such order of the Secretary shall be a final order: *Provided*, That within 20 days following the service upon the petitioner of a copy of an order of the Secretary dismissing the petition, or any portion thereof, on the ground that it does not substantially comply in form and content with the act or with paragraph (b) of this section, the petitioner shall be permitted to file an amended petition.

(3) *Referral to presiding officer.* The Secretary may, in his discretion, refer any application made under this section to the presiding officer for preliminary consideration and report, and, in a proper case, for the taking of evidence: *Provided*, That the provisions of §§ 132.60 to 132.65, inclusive, shall be applicable to the reception of such evidence, if any; the form, content, and filing of such report; the allowance of exceptions thereto; and transmittal of the record to the Secretary.

(4) *Oral argument.* Unless a written application for oral argument is filed by a party with the hearing clerk not later than the time fixed for filing papers in opposition to the application, it shall be considered that the party does not desire oral argument. The granting of a request to make oral argument shall rest in the discretion of the Secretary or the presiding officer, as the case may be.

§ 132.52a *Answer to petition—(a) Time of filing.* Within 30 days after the filing of the petition, the Director shall file an answer thereto: *Provided*, That, if an application to dismiss the petition, in whole or in part, is made pursuant to § 132.52 (c), the answer shall be filed within 15 days after the filing of an order of the Secretary denying the application or granting the application with respect to only a portion of the petition. The answer shall be filed with the hearing clerk who shall cause a copy thereof to be served promptly upon the petitioner.

(b) *Contents.* The answer shall specify which of the material allegations of fact or of law in the petition are controverted and which are not controverted. The answer also may contain affirmative allegations of fact constituting separate defenses and statements of objections to the sufficiency of the whole or any part of the petition.

§ 132.52b *Amended pleadings.* At any time before the close of the hearing the petition or answer may be amended, but the hearing shall, at the request of the adverse party, be adjourned or recessed for such reasonable time as the presiding officer may designate to be necessary to protect the interests of the parties. Amendments subsequent to the first amendment or subsequent to the filing of an answer may be made only with leave of the presiding officer or with the written consent of the adverse party.

§ 132.53 *Withdrawal of petition.* If, at any time after the petition is filed, the petitioner desires to withdraw the same, he shall file with the hearing clerk (or, if filed during the course of a hearing, with the presiding officer) a written request for permission to withdraw. The Secretary may, in his discretion, thereupon dismiss the petition without further procedure: *Provided*, That, if the request to withdraw is filed after a hearing has been opened, permission to withdraw shall be granted only in exceptional circumstances.

§ 132.54 *Docket number.* Each proceeding, immediately following its institution, shall be assigned a docket number by the hearing clerk and thereafter the proceeding may be referred to by such number.

§ 132.55 *Presiding officers—(a) Assignment.* No presiding officer who has any pecuniary interest in the outcome of the proceeding, or who has participated in the investigation preceding the institution of the proceeding, shall serve as presiding officer in such proceeding.

(b) *Conduct.* The presiding officer shall conduct the proceeding in a fair and impartial manner and shall not discuss ex parte the merits of the proceeding with any person who is or who has been connected in any manner with the proceeding in an advocative or investigative capacity.

(c) *Powers of presiding officers.* Subject to review by the Secretary, as provided elsewhere in this subpart, the presiding officer shall have power to:

(1) Rule upon motions and requests;
(2) Adjourn the hearing from time to time, and change the time and place of hearing;

(3) Administer oaths and affirmations and take affidavits;

(4) Issue subpoenas, under the facsimile signature of the Secretary, requiring the attendance and testimony of witnesses and the production of books, records, contracts, papers, and other documentary evidence;

(5) Examine witnesses and receive evidence;

(6) Take or order, under the facsimile signature of the Secretary, the taking of depositions;

(7) Admit or exclude evidence;

(8) Hear oral argument on facts or law;

(9) Consolidate hearings upon two or more petitions pertaining to the same order;

(10) Do all acts and take all measures necessary for the maintenance of order at the hearing and the efficient conduct of the proceeding.

(d) *Who may act in absence of presiding officer.* In case of the absence of the presiding officer or his inability to act, the powers and duties to be performed by him under these rules of practice in connection with a proceeding may, without abatement of the proceeding unless otherwise ordered by the Secretary, be assigned to any other presiding officer.

(e) *Disqualification of presiding officer.* The presiding officer may at any time withdraw as presiding officer in a proceeding if he deems himself to be disqualified. Upon the filing by an interested person in good faith of a timely and sufficient affidavit of personal bias or disqualification of a presiding officer, the Secretary shall determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as he may deem appropriate in the circumstances.

§ 132.56 *Consolidated hearings.* At the discretion of the presiding officer, hearings upon two or more petitions pertaining to the same order may be consolidated, and the evidence taken at such consolidated hearing may be embodied in a single record.

§ 132.57 *Intervention.* Intervention in proceedings subject to this subpart shall not be allowed, except that, in the discre-

tion of the Secretary or the presiding officer, any person (other than the petitioner) showing a substantial interest in the outcome of a proceeding shall be permitted to participate in the oral argument and to file a brief.

§ 132.58 *Prehearing conferences.* In any proceeding in which it appears that such procedure will expedite the proceeding, the presiding officer, at any time prior to the commencement of or during the course of the hearing, may request the parties or their counsel to appear at a conference before him to consider (a) the simplification of issues; (b) the possibility of obtaining stipulations of fact and of documents which will avoid unnecessary proof; (c) the limitation of the number of expert or other witnesses; and (d) such other matters as may expedite and aid in the disposition of the proceeding. No transcript of such conference shall be made, but the presiding officer shall prepare and file for the record a written summary of the action taken at the conference, which shall incorporate any written stipulations or agreements made by the parties at the conference or as a result of the conference. If the circumstances are such that a conference is impracticable, the presiding officer may request the parties to correspond with him for the purpose of accomplishing any of the objects set forth in this section. The presiding officer shall forward copies of letters and documents to the parties as the circumstances require. Correspondence in such negotiations shall not be a part of the record, but the presiding officer shall submit a written summary for the record if any action is taken.

§ 132.59 *Motions and requests—(a) General.* All motions and requests shall be filed with the hearing clerk, except that those made during the course of an oral hearing may be filed with the presiding officer or may be stated orally and made a part of the transcript. The presiding officer is authorized to rule upon all motions and requests filed or made prior to the transmittal by the hearing clerk to the Secretary of the record as hereinafter provided. The Secretary shall rule upon all motions and requests filed after that time.

(b) *Certification of motions.* The submission or certification of any motion, request, objection, or other question to the Secretary prior to the transmittal of the record to the Secretary, as hereinafter provided, shall be in the discretion of the presiding officer.

§ 132.60 *Oral hearings before presiding officer—(a) Time and place.* The presiding officer shall set a time and place for hearing and shall file with the hearing clerk a notice stating the time and place of hearing. If any change in the time or place of hearing becomes necessary, it shall be made by the presiding officer, who, in such event, shall file with the hearing clerk a notice of the change. Such notice shall be served upon the parties, unless it is made during the course of an oral hearing and made a part of the transcript.

(b) *Appearances—(1) Representation.* In any proceeding under the act, the parties may appear in person or by coun-

sel or other representative. The Department, if represented by counsel, shall be represented by an attorney assigned by the Solicitor of the Department, and such attorney shall present or supervise the presentation of the position of the Department.

(2) *Debarment of counsel or representative.* Whenever, while a proceeding is pending before him, the presiding officer finds that a person acting as counsel or representative for any party to the proceeding is guilty of unethical or unprofessional conduct, the presiding officer may order that such person be precluded from further acting as counsel or representative in such proceeding. An appeal to the Secretary may be taken from any such order, but the proceeding shall not be delayed or suspended pending disposition of the appeal; *Provided*, That the presiding officer may suspend the proceeding for a reasonable time for the purpose of enabling the client to obtain other counsel or representative. In case the presiding officer has issued an order precluding a person from further acting as counsel or representative in the proceeding the presiding officer, within a reasonable time thereafter, shall submit to the Secretary a report of the facts and circumstances surrounding the issuance of the order and shall recommend what action the Secretary should take respecting the appearance of such person as counsel or representative in other proceedings before the Secretary. Thereafter, the Secretary may, after notice and an opportunity for hearing, issue such order respecting the appearance of such person as counsel or representative in proceedings before the Secretary as the Secretary finds to be appropriate.

(3) *Failure to appear.* If the petitioner, after being duly notified, fails to appear at the hearing, he shall be deemed to have authorized the Secretary, without further procedure, to dismiss the proceeding with or without prejudice, as the Secretary may determine. In the event that the petitioner appears at the hearing and no representative of the Department appears, the presiding officer shall proceed *ex parte* to hear the evidence of the petitioner; *Provided*, That failure on the part of such representative of the Department to appear at a hearing shall not be deemed to be a waiver of the Department's right to file suggested findings of fact, conclusions, and order; to be served with a copy of the presiding officer's report; and to file exceptions with and to submit argument before the Secretary with respect thereto.

(c) *Order of proceeding.* Except as may be determined otherwise by the presiding officer, the petitioner shall proceed first at the hearing.

(d) *Evidence—(1) In general.* The hearing shall be publicly conducted, and the testimony given at the hearing shall be reported verbatim. The testimony of witnesses at a hearing shall be upon oath or affirmation and subject to cross-examination. Any witness may, in the discretion of the presiding officer, be examined separately and apart from all other witnesses except those who may be parties to the proceeding. The presiding officer shall exclude, insofar as

practicable, evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

(2) *Objections.* If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the presiding officer. The transcript shall not include argument or debate thereon, except as ordered by the presiding officer. The ruling of the presiding officer on any objection shall be a part of the transcript. Only objections made before the presiding officer may subsequently be relied upon in the proceeding.

(3) *Depositions.* The deposition of any witness shall be admitted, in the manner provided in and subject to the provisions of § 132.61.

(4) *Affidavits.* Except as is otherwise provided in this subpart, affidavits may be admitted only if the evidence is otherwise admissible and the parties agree (which may be determined by their failure to make timely objections) that affidavits may be used.

(5) *Proof and authentication of official records or documents.* An official record or document, when admissible for any purpose, shall be admissible in evidence without the production of the person who made or prepared the same. Such record or document shall, in the discretion of the presiding officer, be evidenced by an official publication thereof or by a copy attested by the person having legal custody thereof and accompanied by a certificate that such person has the custody.

(6) *Exhibits.* All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall, after identification by the proponent and upon a satisfactory showing of the admissibility of the contents thereof, be numbered as exhibits and received in evidence, and made a part of the record. Except where the presiding officer finds that the furnishing of copies is impracticable, a copy of each exhibit, in addition to the original, shall be filed with the presiding officer for the use of each other party to the proceeding. The presiding officer shall advise the parties as to the exact number of copies which will be required to be filed and shall make and have noted on the record the proper distribution of the copies. If the testimony of a witness refers to a statute, or to a report, document, or transcript, the presiding officer, after inquiry relating to the identification of such statute, report, document, or transcript, shall determine whether the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit, or whether it shall be incorporated into the evidence by reference. If relevant and material matter offered in evidence is embraced in a report, document, or transcript containing immaterial or irrelevant matter, such immaterial or irrelevant matter shall be excluded and shall be segregated insofar as practicable,

subject to the direction of the presiding officer.

(7) *Official notice.* Official notice will be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific, or commercial fact of established character: *Provided*, That the parties shall be given adequate notice, at the hearing or by reference in the presiding officer's report or the tentative order or otherwise, of matters so noticed, and (except where official notice is taken, for the first time in the proceeding, in the final order) shall be given adequate opportunity to show that such facts are erroneously noticed.

(8) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript *in toto*. In such event, it shall be considered a part of the transcript if the Secretary decides that the presiding officer's ruling in excluding the evidence was erroneous. The presiding officer shall not allow the insertion of such evidence *in toto* if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Secretary decides that the presiding officer erred in excluding the evidence and that such error was substantial, the hearing shall be reopened to permit the taking of such evidence.

(e) *Oral argument before presiding officer.* Oral argument before the presiding officer shall be allowed unless the presiding officer finds that the denial of such argument will not deprive the parties of an adequate opportunity for oral argument subsequently in the proceeding. Such argument may be limited by the presiding officer to any extent that he finds necessary for the expeditious disposition of the proceeding and shall be reduced to writing and made part of the transcript.

(f) *Transcript.* A copy of the transcript shall be kept on file in the office of the hearing clerk, where it shall be available for examination during official hours of business. Such copy shall remain the property of the Department and may not be removed from said office. If a personal copy of the transcript is desired, such copy may be obtained upon written application filed with the reporter, and upon payment of fees at the rate (if any) provided in the contract between the reporter and the Secretary.

§ 132.61 *Depositions—(a) Procedure in lieu of depositions.* Before any party may have testimony taken by deposition, said party shall, if practicable, submit to the other party an affidavit which shall set forth the facts to which the witness would testify if the deposition should be taken. If, after examination of such affidavit, the other party agrees, or (within 10 days after submission of the affidavit) fails to object, that the affidavit may be used in lieu of the deposition, the presiding officer shall admit the affidavit

in evidence and shall not order the deposition to be taken.

(b) *Application for taking deposition.* Upon the application of a party to the proceeding, the presiding officer may, at any time after the filing of the moving paper, order, under the facsimile signature of the Secretary, the taking of testimony by deposition. The application shall be in writing and shall be filed with the hearing clerk and shall set forth: (1) the name and address of the proposed deponent; (2) the name and address of the person (referred to herein after in this section as the "officer"), qualified under the rules in this part to take depositions, before whom the proposed examination is to be made; (3) the proposed time and place of the examination, which shall be at least 15 days after the date of the mailing of the application; and (4) the reasons why such deposition should be taken.

(c) *Presiding officer's order for taking deposition.* If, after the examination of the application, the presiding officer is of the opinion that the deposition should be taken, he shall order its taking. The order shall be filed with the hearing clerk and shall be served upon the parties and shall state: (1) the time and place of the examination (which shall not be less than 10 days after the filing of the order); (2) the name of the officer before whom the examination is to be made; (3) the name of the deponent. The officer and the time and place need not be the same as those suggested in the application.

(d) *Qualifications of officer.* The deposition shall be taken before the presiding officer, or before an officer authorized by the law of the United States or by the law of the place of the examination to administer oaths, or before an officer authorized by the Secretary to administer oaths.

(e) *Procedure on examination.* (1) The deponent shall be examined under oath or affirmation and shall be subject to cross-examination. The testimony of the deponent shall be recorded by the officer or by some person under his direction and in his presence. In lieu of oral examination, parties may transmit written interrogatories to the officer prior to the examination and the officer shall propound such interrogatories to the deponent.

(2) The applicant must arrange for the examination of the witness either by oral examination or by written interrogatories. If it is found by the presiding officer, upon the protest of a party to the proceeding, that such party has his residence and his place of business more than 100 miles from the place of the examination and that it would constitute an undue hardship upon such party to be represented at the examination, the applicant will be required to conduct the examination by means of interrogatories. When the examination is conducted by means of interrogatories copies of the interrogatories shall be served upon the other parties to the proceeding at least five days prior to the date set for the examination, and the other parties shall be afforded an opportunity to file with the officer cross-in-

terrogatories at any time prior to the time of the examination.

(f) *Certification by officer.* The officer shall certify on the deposition that the deponent was duly sworn by him and that the deposition is a true record of the deponent's testimony. He shall then securely seal the deposition, together with two copies thereof, in an envelope and mail the same by registered mail to the hearing clerk.

(g) *Use of deposition.* A deposition ordered and taken in accord with the provisions of this section may be used in a proceeding under the act if the presiding officer finds that the evidence is otherwise admissible and (1) that the witness is dead; or (2) that the witness is at a distance greater than 100 miles from the place of hearing, unless it appears that the absence of the witness was procured by the party offering the deposition; or (3) that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (4) that the party offering the deposition has endeavored to procure the attendance of the witness by subpoena but has been unable to do so; or (5) that such exceptional circumstances exist as to make it desirable, in the interests of justice, to allow the deposition to be used. If a deposition has been taken, and the party upon whose application it was taken refuses to offer it in evidence, the other party may offer the deposition or any part thereof, in evidence.

§ 132.62 *Subpenas—(a) Issuance of subpenas.* The attendance of witnesses and the production of documentary evidence from any place in the United States on behalf of any party to the proceeding may, by subpoena, be required at any designated place of hearing. Subpenas may be issued by the Secretary or by the presiding officer, under the facsimile signature of the Secretary, upon a reasonable showing by the applicant of the grounds, necessary, and reasonable scope thereof.

(b) *Application for subpoena duces tecum.* Subpenas for the production of documentary evidence, unless issued by the presiding officer upon his own motion, shall be issued only upon a verified written application. Such application shall specify, as exactly as possible, the documents desired and shall show their competency, relevancy, and materiality and the necessity for their production.

(c) *Service of subpenas.* Subpenas may be served (1) by a United States Marshal or his deputy, or (2) by any other person who is not less than 18 years of age, or (3) by registering and mailing a copy of the subpoena addressed to the person to be served at his or its last known residence or principal place of business or residence. Proof of service may be made by the return of service on the subpoena by the United States Marshal or his deputy; or, if served by an individual other than a United States Marshal or his deputy, by an affidavit of such person stating that he personally served a copy of the subpoena upon the person named therein; or, if service was by registered mail, by an affidavit made by the person mailing the subpoena

that it was mailed as provided herein and by the signed return postoffice receipt: *Provided*, That, if the subpoena is issued on behalf of the Department, the return receipt without an affidavit of mailing shall be sufficient proof of service. In making personal service, the person making service shall leave a copy of the subpoena with the person subpoenaed; the original, bearing or accompanied by the required proof of service, shall be returned to the official who issued the same.

§ 132.63 *Fees and mileage.* Witnesses who are subpoenaed and who appear in such proceeding, including witnesses whose depositions are taken, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and persons taking depositions shall be entitled to the same fees as are paid for like services in the courts of the United States, to be paid by the party at whose request the deposition is taken. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear, and claims therefor, as to witnesses subpoenaed on behalf of the Department, shall be proved before the person issuing the subpoena, and, as to witnesses subpoenaed on behalf of any other party, shall be presented to such party.

§ 132.64 *The presiding officer's report—(a) Filing the transcript of evidence.* As soon as practicable after the close of the hearing, the presiding officer shall transmit to the hearing clerk an original and three copies of the transcript of the testimony and the original and all copies of the exhibits not already on file in the office of the hearing clerk. The presiding officer shall attach to the original transcript of testimony his certificate stating that, to the best of his knowledge and belief, the transcript is a true, correct, and complete transcript of the testimony given at the hearing, except in such particulars as he shall specify, and that the exhibits transmitted are all the exhibits received in evidence at the hearing, with such exceptions as he shall specify. A copy of such certificate shall be attached to each copy of the transcript of testimony. In accordance with such certificate the presiding officer shall note on the original transcript, and the hearing clerk shall note upon each copy of the transcript, each correction detailed in such certificate by adding or crossing out (but without obscuring the text as originally transcribed) at the appropriate places any words necessary to make the text conform to the correct meaning, as certified by the presiding officer. Immediately following the filing of the transcript, the hearing clerk shall advise each party to the proceeding as to the date of such filing.

(b) *Proposed findings of facts, conclusions, and orders.* Within 10 days (unless the presiding officer shall have announced at the hearing a shorter or longer period of time), after the transcript has been filed with the hearing clerk, as provided in paragraph (a) of this section, each party may file with the hearing clerk proposed findings of fact, conclusions, and order, based solely

upon the evidence of record, and briefs in support thereof.

(c) *Presiding officer's report.* The presiding officer, within a reasonable time after the termination of the period allowed for the filing of proposed findings of fact, conclusions, and orders, and briefs in support thereof, shall prepare, upon the basis of the record, and shall file with the hearing clerk, his report, a copy of which (together with notification of the date fixed by the presiding officer for the filing of exceptions thereto) shall be served by the hearing clerk upon each of the parties.

(d) *Exceptions.* Within a period of time (to be fixed by the presiding officer but not to exceed 20 days) after the filing of the presiding officer's report, the parties may file exceptions to the report. Any party who desires to take exception to any matter set out in the report shall transmit his exceptions in writing to the hearing clerk, referring, where practicable, to the relevant pages of the transcript, and suggesting a corrected finding of fact, conclusion, or order. Within the same period of time, each party shall transmit to the hearing clerk a brief statement in writing concerning each of the objections taken to the action of the presiding officer, as set out in § 132.60, upon which the party wishes to rely, referring, where practicable, to the pertinent pages of the transcript. A party, if he files exceptions or a statement of objections, shall state in writing whether he desires to make an oral argument thereon before the Secretary; otherwise, it shall be considered that he does not desire to make such oral argument.

(e) *Revision of presiding officer's report.* If exceptions are filed to the presiding officer's report, as provided in paragraph (d) of this section, the presiding officer, after consideration of such exceptions, shall make and file with the hearing clerk a draft of the findings of fact, conclusions, and final order of the Secretary, which shall include such revision of his report as he deems to be appropriate in view of such exceptions.

§ 132.65 *Transmittal of record.* The hearing clerk, immediately following the filing of the revision of the presiding officer's report, or upon notification by the presiding officer that no revision will be made, shall transmit to the Secretary the record of the proceeding. Such record shall include: the petition; motions and requests filed with the hearing clerk, and rulings thereon; the transcript of the testimony taken at the hearing, together with the exhibits filed therein; any documents or papers filed in connection with prehearing conferences; such proposed findings of fact, conclusions, and orders, and briefs in support thereof, as may have been filed in connection with the hearing; the presiding officer's report; such exceptions, statements of objections, and briefs in support thereof, as may have been filed in the proceeding; and the presiding officer's draft of the findings of fact, conclusions, and final order of the Secretary.

§ 132.66 *Argument before Secretary—*
(a) *Oral argument.* Unless a party has included in his exceptions a request for

oral argument or has filed a separate request for oral argument prior to the expiration of the last date for filing such exceptions, it shall be considered that he does not desire to make such oral argument. The granting of a request to make oral argument shall rest in the discretion of the Secretary.

(b) *Briefs.* The parties may, in the discretion of the Secretary, file written briefs either in addition to oral argument or in lieu thereof.

(c) *Scope of argument.* Except where the Secretary determines that argument on additional issues would be helpful, argument, whether oral or in a written brief, shall be limited to the issues raised by the exceptions and statement of objections, or to such issues as the Secretary may indicate. If the Secretary determines that additional issues should be argued, counsel for the parties shall be given reasonable notice of such determination, so as to permit the preparation of adequate argument on all the issues to be argued.

§ 132.67 *Consideration and issuance of order—*(a) *Consideration of order.* As soon as practicable after the receipt of the record from the hearing clerk, or, in case argument was had, as soon as practicable thereafter, the Secretary, upon the basis of the record, shall begin his consideration of the final order to be issued in the proceeding. If an oral argument was held, the order shall be considered by and shall be issued over the signature of the official who heard such oral argument, unless the parties shall consent to a different arrangement. At no stage of the proceeding between its institution and the issuance of the order shall the Secretary discuss *ex parte* the merits of the proceeding with any person who is connected with the proceeding in an advocative or an investigative capacity, or with any representative of such person: *Provided, however,* That the Secretary may discuss the merits of the proceeding with such a person if all parties to the proceeding, or their representatives, have been given an opportunity to be present. If, notwithstanding the foregoing provisions of this section, a memorandum or other communication from any party, or from any person acting on behalf of any party, which relates to the merits of the proceeding, receives the personal attention of the Secretary (or, if an official other than the Secretary is to issue the order, then of such other official) during the pendency of the proceeding, such memorandum or communication shall be regarded as argument made in the proceeding and shall be filed with the hearing clerk, who shall serve a copy thereof upon the opposite party to the proceeding, and opportunity shall be given the opposite party to file a reply thereto.

(b) *Issuance of order.* The order shall be issued and served upon the parties as the final order in the proceeding without further procedure: *Provided,* That, if the terms of the order differ substantially from those proposed in the report of the presiding officer, the Secretary shall, if he deems it advisable, to do so, direct that a copy of the order be served upon the parties as a tentative

order; and, in such event, opportunity shall be given the parties to file exceptions thereto and written arguments or briefs in support of such exceptions. In such case, if exceptions are filed within a period of time (to be fixed by the Secretary but not to exceed 20 days) following the service of the tentative order, the Secretary shall give consideration to and shall make such changes in the tentative order as he deems to be appropriate; otherwise, the tentative order shall become final, as of the day following the date of expiration of the period fixed for the filing of exceptions.

§ 132.68 *Applications for reopening hearings; for rehearings or rearguments of proceedings; or for reconsideration of orders—*(a) *Petition requisite—*(1) *Filing; service.* An application for reopening the hearing to take further evidence, or for rehearing or reargument of the proceeding, or for reconsideration of the order shall be made by petition addressed to the Secretary and filed with the hearing clerk, who immediately shall notify and serve a copy thereof upon the other party to the proceeding. Every such petition shall state specifically the grounds relied upon.

(2) *Petitions to reopen hearings.* A petition to reopen the hearings for the purpose of taking additional evidence may be filed at any time prior to the issuance of the final order. Every such petition shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth a good reason why such evidence was not adduced at the hearing.

(3) *Petitions to rehear or reargue proceedings, or to reconsider orders.* A petition to rehear or reargue the proceeding or to reconsider the order issued pursuant to the proceeding shall be filed within 15 days after the date of the service of such order. Every such petition shall state specifically the matters claimed to have been erroneously decided, and alleged errors must be briefly stated.

(b) *Procedure for disposition of petitions.* Within 10 days following the service of any petition provided for in this section, the other party to the proceeding shall file with the hearing clerk an answer thereto. As soon as practicable thereafter, the Secretary shall announce the decision granting or denying the petition. Unless the Secretary shall determine otherwise, the issuance or operation of the order shall not be stayed pending the decision of the Secretary upon the petition. In the event that any such petition is granted by the Secretary, the applicable rules of practice, as set out elsewhere in this subpart, shall be followed.

§ 132.69 *Filing; service; extensions of time; effective date of filing; and computation of time—*(a) *Filing; number of copies.* Except as provided otherwise in this part, all documents or papers required or authorized in this subpart to be filed with the hearing clerk shall be filed in quadruplicate: *Provided,* That, if there are more than two parties to the proceeding, a sufficient number of additional copies shall be filed so as to pro-

vide for service upon all the parties to the proceeding. Any document or paper, required or authorized in this subpart to be filed with the hearing clerk, shall, during the course of an oral hearing, be filed with the presiding officer.

(b) *Service; proof of service.* Copies of all such papers shall be served upon the parties by the hearing clerk, by the presiding officer, or by some other employee of the Department or by a United States Marshal or his deputy. Service shall be made either (1) by delivering a copy of the document or paper to the individual to be served or to a member of the partnership to be served or to the president, secretary, or other executive officer or any director of the corporation, organization, or association to be served, or to the attorney or agent of record of such individual, partnership, corporation, organization, or association; or (2) by leaving a copy of the document or paper at the principal office or place of business of such individual, partnership, corporation, organization, or association, or of his or its attorney or agent of record; or (3) by registering and mailing a copy of the document or paper, addressed to such individual, partnership, corporation, organization, or association, or to his or its attorney or agent of record, at his or its last known principal office, place of business, or residence. Proof of service hereunder shall be made by the affidavit of the person who actually made the service. The affidavit contemplated herein shall be filed with the hearing clerk, and the fact of filing thereof shall be noted on the docket of the proceeding.

(c) *Extensions of time.* The time for the filing of any documents or papers required or authorized in this subpart to be filed may be extended upon (1) a written stipulation between the parties, or (2) upon the request of a party, by the presiding officer before the transmittal of the record to the Secretary, or by the Secretary at any other time, if, in the judgment of the Secretary or the presiding officer, as the case may be, there is good reason for the extension.

(d) *Effective date of filing.* Any document or paper, except a petition filed pursuant to § 132.52, required or authorized under these rules to be filed, shall be deemed to have been filed when it is post-marked or when it is received by the hearing clerk. Any petition filed under § 132.52 shall be deemed to be filed when it is received by the hearing clerk.

(e) *Computation of time.* Sundays and Federal holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided*, That, when such time expires on a Sunday or legal holiday, such time shall be extended to include the next following business day.

§ 132.70 *Applications for interim relief—(a) Filing the application.* A person who has filed a petition pursuant to § 132.52 may, by separate application filed with the hearing clerk, apply to the Secretary for an order postponing the effective date of, or suspending the application of, the marketing order or any provision thereof, or any obligation im-

posed in connection therewith, pending final determination of the proceeding.

(b) *Contents of the application.* The application shall contain a statement of the facts upon which the relief is requested, including any facts showing irreparable injury. The application must be signed and sworn to by the petitioner and any facts alleged therein which are not within his personal knowledge shall be supported by affidavits of a person or persons having personal knowledge of such facts or by proper documentary evidence thereof.

(c) *Answer to application.* Immediately upon receipt of the application, the hearing clerk shall transmit a copy thereof, together with all supporting papers, to the Director, who shall, within 20 days, or such other time fixed by the Secretary, after the filing of the application, file an answer thereto with the hearing clerk.

(d) *Contents of answer.* The answer shall contain a statement of the objections, if any, of the Director to the application for interim relief, and may be supported by affidavits and documentary evidence.

(e) *Transmittal to Secretary.* Upon receiving the answer of the Director, or upon the expiration of the time for filing the answer, the hearing clerk shall transmit to the Secretary for his decision all papers filed in connection with the application.

(f) *Hearing and oral argument.* The Secretary may, in his discretion, permit oral argument or the taking of testimony in connection with such application. However, unless written request therefor is filed with the hearing clerk prior to the transmittal of the papers to the Secretary, the parties shall be deemed to have waived oral argument and the taking of testimony.

(g) *Decision by Secretary.* The Secretary may grant or deny the application. Any action taken by the Secretary shall be in the form of an order filed with the hearing clerk and shall contain a brief statement of the reasons for the action taken. The hearing clerk shall cause copies of the order to be served upon the parties.

§ 132.71 *Hearing before Secretary.* The Secretary may act in the place and stead of a presiding officer in any proceeding hereunder. When he so acts the hearing clerk shall transmit the record to the Secretary at the expiration of the period provided for the filing of proposed findings of fact, conclusions and orders, and the Secretary shall thereupon, after due consideration of the record, issue his final order in the proceeding: *Provided*, That he may issue a tentative order in which event the parties shall be afforded an opportunity to file exceptions before the issuance of the final order.

Subchapter F—Poultry Improvement

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN (CHICKENS AND CERTAIN OTHER POULTRY)

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145.25	U. S. Performance Tested Parent Stock; annual summary.
145.26	Central random sample egg production test.
145.27	Multiple unit random sample egg production test.
145.28	Central random sample meat production test.
145.29	On-the-farm performance tests; general.
145.30	On-the-farm performance test; egg production.
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145.32	National random sample performance testing program.
145.33	

AUTHORITY: §§ 145.1 to 145.33 issued under sec. 101, 58 Stat. 734, as amended; 7 U. S. C. 429.

§ 145.1 *Definitions.* Except where the context otherwise requires, for the purposes of this part the following terms shall be construed, respectively, to mean:

(a) *Plan.* The provisions of the National Poultry Improvement Plan contained in this part.

(b) *Person.* A natural person, firm, or corporation.

(c) *Department.* The United States Department of Agriculture.

(d) *AH Division.* The Animal Husbandry Research Division of the Agricultural Research Service of the Department.

(e) *State.* Any State, the District of Columbia, Alaska, Hawaii, or Puerto Rico.

(f) *Official State Agency.* The State authority recognized by the Department to cooperate in the administration of the Plan.

(g) *State Inspector.* Any person employed or authorized under § 145.11 (b) to perform functions under this part.

(h) *Authorized Agent.* Any person designated under § 145.11 (a) to perform functions under this part.

(i) *ROP Supervisor.* The person employed or authorized to perform functions under § 145.20.

(j) *ROP Inspector.* The person employed or authorized to perform functions under § 145.21.

(k) *Affiliated flockowner.* A flockowner who is participating in the Plan through an agreement with a participating hatchery.

(l) *Flock—(1) As applied to breeding.* All chickens of one kind of mating (breed and variety or combination of stocks) and of one classification on one farm;

(2) *As applied to disease control.* All of the chickens on one farm except that, at the discretion of the Official State Agency, any group of chickens which is segregated from another group and has been so segregated for a period of at least 21 days may be considered as a separate flock.

(m) *Hatchery.* Hatchery equipment on one premises operated or controlled by any person for the production of chicks.

(n) *Products.* Chicken breeding stock and hatching eggs, and chicks.

(o) *Baby chicks.* Chicks that have not been fed or watered.

(p) *USROP or ROP.* U. S. Record of Performance.

(q) *Strain.* Chicken breeding stock bearing a given name produced by a breeder through at least five generations of closed flock breeding.

§ 145.2 *Administration.* (a) The Department cooperates through a Memorandum of Understanding with Official State Agencies in the administration of the Plan.

(b) The Official State Agency shall carry out the administration of the Plan within the State according to the applicable provisions of the Plan and Memorandum of Understanding. An Official State Agency may accept for participation an affiliated flock located in another State under a mutual understanding and agreement between the two Official State Agencies regarding conditions of participation and supervision.

(c) The Official State Agency of any State may adopt regulations applicable to the administration of the Plan in such State further defining the provisions of the Plan or establishing higher standards compatible with the Plan.

§ 145.3 *Participation.* (a) Any person producing or dealing in poultry products may participate in the Plan when he has (1) demonstrated, to the satisfaction of the Official State Agency, that his facilities, personnel, and practices are adequate for carrying out the applicable provisions of the Plan; and (2) signed an agreement with the Official State Agency to comply with the general and the applicable specific provisions of the Plan and any regulations of the Official State Agency under § 145.2. Affiliated flockowners may participate without signing an agreement with the Official State Agency.

(b) Each participant shall comply with the Plan throughout the operating year of the Official State Agency, or until released by such Agency.

(c) A participant in any State shall participate with all of his chicken hatching egg supply flocks and hatchery operations within such State.

(d) No person shall be compelled by the Official State Agency to qualify products for any of the classifications described in § 145.10 (a), (b), (c), (d) and (e) as a condition of qualification for either of the classifications described in § 145.10 (f) and (g).

(e) Participation in the Plan shall entitle the participant to use the Plan emblem reproduced below:



FIGURE 1.

§ 145.4 *General provisions for all participants.* (a) Records of purchases and sales and the identity of products handled shall be maintained in a manner satisfactory to the Official State Agency.

(b) Products, records of sales and purchases of products, and material used to advertise products shall be subject to inspection by the Official State Agency at any time.

(c) Advertising must be in accordance with the Plan, and applicable rules and the Federal Trade Commission. A participant advertising products as being of any official classification may include in his advertising reference to associated or franchised hatcheries only when such hatcheries produce the same kind of products of the same classification.

(d) Participants may not buy or receive for any purpose products from non-participants, or sell products of non-participants, except with the permission of the Official State Agency for use in breeding flocks or for experimental purposes.

(e) The minimum weight of chicken hatching eggs sold shall be 1 11/12 oz. each for replacement stock and 1 10/12 oz. each for broiler stock, except as

(f) Each shipment of products to points outside the continental United States shall be accompanied by a properly executed Form NPIP-15F, Report of Sales of Hatching Eggs, Chicks and Poults (For Shipment Outside the United States).

§ 145.5 *Specific provisions for participating flocks.* (a) Poultry houses and the land in the immediate vicinity thereof shall be kept in sanitary condition acceptable to the Official State Agency.

(b) All flocks shall consist of healthy, normal individuals characteristic of the breed and variety, cross, or other combination which they are stated to represent.

(c) A flock shall be deemed to be a participating flock at any time only if it has been officially blood tested within the past 12 months with no pullorum or typhoid reactors on the last test. (See § 145.14 relating to the official blood test.)

(d) Each bird shall be identified with a sealed and numbered band obtained through or approved by the Official State Agency, provided that exception may be made at the discretion of the Official State Agency.

§ 145.6 *Specific provisions for participating hatcheries.* (a) Hatcheries, including brooder rooms, shall be kept in sanitary condition, acceptable to the Official State Agency. The minimum requirements with respect to sanitation shall include the following:

(1) Incubator walls, floors and trays shall be kept free from broken eggs and egg shells.

(2) Tops of incubators and hatchers shall be kept clean (not used for storage).

(3) Entire hatchery, including sales room, shall be kept in a neat, orderly condition and free from accumulated dust.

(4) Hatchery residue such as egg shells, infertile eggs and dead germs shall be disposed of promptly.

(5) Hatchers and hatching trays shall be cleaned and fumigated or disinfected after each hatch.

(b) A hatchery which keeps started poultry (poultry that has been fed or watered) must keep such poultry separated from the incubator room in a manner satisfactory to the Official State Agency.

(c) All chicks offered for sale under Plan terminology shall be normal and typical of the breed and variety, cross, or other combination represented.

(d) Eggs incubated shall be sound in shell, typical for the breed and variety, strain, or cross thereof and reasonably uniform in shape. Mediterranean breed eggs shall be reasonably free from tints. Hatching eggs shall be trayed and the chicks boxed with a view to uniformity of size.

(e) All hatcheries within a State which are operated under the ownership or management of the same person or persons or related corporations, or in which the same person or persons have a substantial financial interest as partners or otherwise, shall participate in the Plan if any of them are to participate. All breeding and supply flocks, hatching eggs and chicks of such hatcheries shall meet the same pullorum-typhoid classification.

§ 145.7 *Specific provisions for participating dealers.* Dealers in chicken breeding stock or hatching eggs or chicks shall comply with all provisions in this part which apply to their operations.

§ 145.8 *Terminology and classification; general.* (a) The official classification terms defined in §§ 145.9 and 145.10 and the various designs illustrative of the official classifications as reproduced in § 145.10 may be used only by participants and to describe products that have met all the specific requirements of such classifications.

(b) Products produced under the Plan shall lose their identity under Plan terminology when they are purchased for resale by, or consigned to, non-participants.

(c) Participating flocks and the eggs and chicks produced from them may be designated by their strain or trade name. When a breeder's name or strain designation is used, the participant shall be able by records to substantiate that the products so designated are from flocks that are composed of either (1) birds hatched from eggs produced under the direct supervision of the breeder of such strain; or (2) stock multiplied by persons designated and so reported by the breeder to each Official State Agency concerned.

(d) Domesticated waterfowl, game birds and guineas meeting the requirements for participation for any of the classifications specified in § 145.10 may be designated as coming within such classification.

§ 145.9 *Terminology and classification; hatcheries and dealers.* Participating hatcheries and dealers shall be designated as "National Plan Hatchery" and "National Plan Dealer", respectively.

§ 145.10 *Terminology and classification; flocks and products.* Participating flocks, and the eggs and chicks produced from them, which have met the respective requirements specified in this section may be designated by the following terms or illustrative designs:

(a) *U. S. Record of Performance.* Females meeting prescribed standards for performance as individuals or families as provided in § 145.16 or males meeting the requirements in § 145.17.



FIGURE 2.

(b) *U. S. Performance Tested Parent Stock.* Stock meeting the requirements prescribed in § 145.24.



FIGURE 3.

(c) *U. S. Certified for Eggs.* (1) All males ROP, or (2) all males and females from Performance Tested Parent Stock for egg production mated in the same combination as used in the qualifying parent flock.



FIGURE 4.

(d) *U. S. Certified for Meat.* All males and females from Performance Tested Parent Stock for meat production mated in the same combination as used in the qualifying parent flock.



FIGURE 5.

(e) *U. S. Approved.* All males and females selected by Authorized Agents according to standards prescribed by the Official State Agency or the State College of Agriculture.



FIGURE 6.

(f) *U. S. Pullorum-Typhoid Passed.* Flocks in which no pullorum or typhoid reactors were found on the last official blood test provided for in § 145.5 (c).

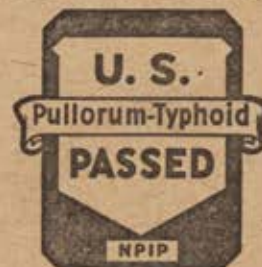


FIGURE 7.

(g) *U. S. Pullorum-Typhoid Clean.* Flocks in which no pullorum or typhoid reactors were found on the first official blood test provided for in § 145.5 (c): *Provided*, That if a reactor or reactors are found on the first test the flock may qualify with two consecutive official negative tests. In order to sell hatching eggs or chicks of this classification all hatching eggs and chicks handled must meet these requirements.



FIGURE 8.

§ 145.11 *Supervision.* (a) The Official State Agency may designate qualified persons as Authorized Agents to do the selecting, blood collecting and blood testing work provided for in §§ 145.5, 145.10, and 145.14.

(b) The Official State Agency shall employ or authorize qualified persons as State Inspectors to perform, or supervise the performance of, the selecting and testing of participating flocks and to perform the official inspections necessary to verify compliance with the requirements of the Plan.

§ 145.12 *Inspections.* (a) Each participating hatchery shall be inspected a sufficient number of times each year to satisfy the Official State Agency that the operations of the hatchery are in compliance with the provisions of the Plan.

(b) Each year a sample of the flocks selected or tested by each Authorized Agent shall be inspected by a State Inspector. This must include the inspection of a minimum of 15 percent of the flocks of each hatchery. Each flock inspection shall include the examination of a sufficient number of males and females and, in flocks qualified for participation by the whole-blood test, the blood testing of a sufficient number of birds, to determine whether the work of the Authorized Agent was satisfactory and that the flock is qualified for participation.

§ 145.13 *Debarment from participation.* Non-compliance with the provisions of the Plan, or regulations of the Official State Agency under § 145.2, not corrected within the time specified by the Official State Agency, shall be grounds for the Official State Agency to bar a participant from further participation for a period to be determined in each case by the Official State Agency. Such action shall not be taken until a thorough investigation has been made by the Official State Agency and the participant has been given an opportunity for a hearing.

§ 145.14 *Blood testing.* (a) The official blood test shall be the standard tube agglutination test, the rapid serum test, or the stained-antigen, rapid, whole-blood test, conducted by an Authorized Agent or State Inspector. The recommended procedures for conducting such tests are described in Subpart A, Part 147, of this chapter. Each lot of antigen used for the whole-blood test shall be approved by the Department and effective July 1, 1957, shall be of the polyvalent type.

(b) There shall be an interval of at least 21 days between any official blood

test and any previous test with pullorum-typhoid antigen.

(c) All chickens to be used as breeders must be tested when more than five months of age.

(d) All domesticated fowl on the farm of the participant shall either be properly tested to meet the same standards as the participating flock or these birds and their eggs shall be separated from the participating flock and its eggs.

(e) All tests with *Salmonella* antigens of flocks participating in or candidates for participation in the Plan shall be reported to the Official State Agency within 10 days following the completion of such tests. All reactors shall be considered in determining the classification of the flock.

(f) Reactors may be submitted to a laboratory for autopsy and bacteriological examination. The laboratory and the number of reactors to be submitted shall be designated by the Official State Agency. The recommended minimum procedure for bacteriological examination is described in Subpart B, Part 147, of this chapter. When reactors are submitted within 10 days from date of reading the test and the bacteriological examination fails to demonstrate pullorum or typhoid infection, the flock shall be deemed to have had no pullorum or typhoid reactors. If other members of the *Salmonella* group or paracolons are isolated, the Official State Agency may disqualify the flock for participation, or require such other action as is deemed necessary with respect to the infection.

§ 145.15 USROP; general. (a) The ROP classification may be attained by the qualification of individual birds through trapnesting and pedigree breeding under the supervision of an Official State Agency.

(b) Any person who, in the opinion of the Official State Agency, has the facilities for conducting a systematic program of poultry breeding is eligible for ROP participation.

(c) Candidates may consist of any breed and variety, strain or cross thereof.

(d) Birds trapnested for qualification on the basis of either 10 months or 365 days of trapnesting may be withdrawn within 4 months after the date of the first egg laid by the family, provided the entire (dam) family is withdrawn.

(e) The average egg weight of all birds entered (to be reported in the annual summary) shall be based on the average of not less than the first five and not more than the first ten individual egg weights taken by the breeder and ROP Inspector at a time previously agreed upon by the breeder and Official State Agency.

(f) Participants are encouraged to enter central and on-the-farm random sample tests annually as a further measure of the performance of their stock. Entries to be reported in the annual ROP summary in addition to or in lieu of the candidate report shall be so designated by the participant, to the ROP Supervisor, prior to the beginning of the test.

§ 145.16 USROP; qualification of females. (a) Females may qualify as ROP females as follows:

(1) If an individual bird has laid at the rate of 60 percent or more during a period of at least 10 consecutive months, when trapnested a minimum of five days per month and a minimum of 100 days; or

(2) If the members of an entire family of six or more full sisters have laid at an average rate of 65 percent or more during a period of at least 10 consecutive months, when trapnested a minimum of five days per month and a minimum of 100 days; or

(3) If the members of an entire family of eight or more full sisters have laid at an average rate of 70 percent or more when trapnested a minimum of five days per week and a minimum of 13 consecutive weeks.

(b) The trapnest period for each bird shall start with the first egg laid in a trapnest by such bird.

§ 145.17 USROP; qualification of males. A male may qualify as an ROP male provided:

(a) The pedigree record and wing band shall show that he was produced from an ROP sire and an ROP dam in a single-male mating, except that for beginning ROP participants a male may qualify on other bases acceptable to the Official State Agency and the AH Division, such as having a full sister family meet the requirements of § 145.16 (a) (2) or (3); and

(b) In any event the male shall meet the following physical requirements:

(1) Exhibit health and constitutional vigor and show no evidence of any disease, for example, misshapen pupil or deformed leg indicative of leukosis;

(2) Show no serious physical deformities such as crooked back, wry tail, crooked beak, extremely crooked breast bone or toes; and

(3) Be reasonably representative of the breed and variety and meet the minimum weight standards as currently specified in the Standard of Perfection published by the American Poultry Association.

§ 145.18 USROP; sale of products. When products are sold or offered for sale under the ROP classification:

(a) The breeder must have on file evidence that such products are from single male matings of qualified ROP males and ROP females.

(b) A copy of such evidence, including records of egg production, hatching and pedigree, must be submitted routinely to the Official State Agency.

(c) Eggs sold, or set for the sale of chicks or stock, shall weigh at least 1 1/16 ounces each.

(d) Reports of trapnest records shall be in terms of percent production, except that records based on 3-, 4-, 5-, 6-, or 7-day-a-week trapnesting for a 365-day trapnest period, may be reported in number of eggs. Only records which result from trapnesting the same days of each week may be converted to number of eggs. Reports of trapnest records referred to in advertising or in any other way shall show the length of the qualifying period on which such records were based.

§ 145.19 USROP; annual summary. The ROP Supervisor shall submit to the AH Division for publication:

(a) For ROP participants having an entry in a central or on-the-farm egg production test as provided in § 145.15 (f), the report specified in § 145.26 (a).

(b) For ROP participants having no entry in a central or on-the-farm egg production test as provided in § 145.15 (f) and for other participants at their request a report comprised of the following:

(1) Breed and variety of the entry (indicate if the entry is a crossbred or strain cross);

(2) Total number of pullets of this breed and variety on the farm;

(3) Basis of qualifying ROP females as provided in § 145.16:

(i) Individual birds producing 219 eggs in 365 days based on 3 or more days of trapnesting a week;

(ii) Individual birds otherwise meeting the requirement of 60 percent production during at least 10 consecutive months;

(iii) Families of 6 or more meeting the requirement of 65 percent production during at least 10 consecutive months;

(iv) Families of 8 or more meeting the requirement of 70 percent production during at least 13 consecutive weeks;

(4) Number of birds of this breed and variety originally trapnested for ROP entry;

(5) Number of birds withdrawn;

(6) Number of birds entered in ROP;

(7) Number of birds entered which were individually pedigreed;

(8) Number meeting the ROP requirements;

(9) Percentage of birds entered meeting the ROP requirements;

(10) Percentage of birds entered meeting the ROP requirements on 365-day basis;

(11) Average egg production of all birds entered for qualification on basis of 10 months or 365 days reported in percentage production and number of eggs, respectively.

(12) Average egg weight of all birds entered;

(13) Average body weight of all birds entered (optional with the breeder).

§ 145.20 USROP; duties of ROP Supervisor. The ROP supervisor shall represent the Official State Agency in its supervision of ROP participation. His duties shall include:

(a) Keeping on file in his office for at least five years a record of:

(1) All qualified males, with at least one-generation pedigree showing records of egg production of the female ancestors;

(2) All qualified females with records of their egg production for their qualifying period;

(3) All single-male matings; and

(b) Submitting the reports required in § 145.19.

§ 145.21 USROP; duties of ROP Inspector. The ROP Inspector shall work under the direction of the ROP Supervisor. He shall:

(a) Visit, and inspect the work of, each breeder at least four times a year,

his visits to be so timed that each season of the year shall be represented and at least three of these visits shall be unannounced.

(b) Trapnest on each inspection enough pens of ROP candidates to satisfy the Official State Agency as to the accuracy of the breeder's trapnest records;

(c) During the official egg weighing period for the breeder provided under § 145.15 (e), weigh and record the weight of the eggs laid by each bird trapnested;

(d) Examine hens apparently out of production and determine whether they are being credited with eggs;

(e) During the breeding season, examine all birds in single-male matings to see that the birds which constitute these matings are properly listed with the supervisor;

(f) Compare the number of eggs being incubated from each hen with the number she is credited with having laid during the corresponding period, and subsequently with the number of chicks recorded as hatched and wingbanded. (He shall have the authority to examine for fertility the eggs being incubated.);

(g) Make an annual inspection of pedigree-hatching facilities and methods and chick-banding techniques.

§ 145.22 *U. S. Performance Tested Parent Stock; general.* (a) The Performance Tested Parent Stock classification may be attained by the qualification of flocks through the performance of their progeny in a central or multiple unit random sample test, as specified in §§ 145.27, 145.28 and 145.29, or in any other central or multiple unit random sample test approved for this purpose by the Department. Compliance with the provisions of §§ 145.27, 145.28 or 145.29 shall be a basic requirement for approval; *Provided*, That tests conducted by agencies other than Official State Agencies may be approved.

(b) Any person who, in the opinion of the Official State Agency, is conducting a systematic program of poultry breeding is eligible for participation. The application for qualification shall be made by the breeder of the parent stock but the sample may be taken from any source approved by the breeder for the production of the grade to be tested.

§ 145.23 *U. S. Performance Tested Parent Stock; entry.* (a) The entry may consist of any breed, variety, or strain, or cross thereof, or hybrid combination; provided the grade designated for entry is produced and available in commercial quantities, or is clearly designated as experimental stock not available in commercial quantities.

(b) Candidates for flock qualification as Performance Tested Parent Stock for egg production shall be represented by an entry in a central or multiple unit random sample egg production test.

(c) Candidates for flock qualification as Performance Tested Parent Stock for meat production shall be represented by an entry in a central random sample meat production test.

(d) The entry representing candidates for flock qualification as Performance Tested Parent Stock shall be so designated by the participant to the Official State Agency prior to the beginning of

the test. The designation shall be made in ample time for the Official State Agency to notify the appropriate test supervisor of the names of entrants and request notice of dates for submission of samples so arrangements can be made for their selection in accordance with the requirements of the Plan.

(e) The entry shall consist of a random sample of eggs selected by a representative of the Official State Agency in accordance with the following procedures:

(1) Determine from Official State Agency records the number and location of all flocks within the State supplying eggs of the grade to be tested. By a process of drawing at random names or assigned numbers, determine from which of these flocks the sample is to be taken. The flock or flocks from which the sample is taken must include at least 1,000 birds.

(2) The eggs shall be taken from the nests in proportion to the number of birds in each house or pen.

(3) The sample shall not include eggs which, in the opinion of the sample taker, are unsuitable for hatching.

(4) The sample shall be placed in an appropriate container and the container sealed with a distinctive seal or sealing tape by the sample taker.

(5) The sample taker shall furnish the Official State Agency and the test supervisor with a detailed report of the procedures followed in obtaining each sample.

§ 145.24 *U. S. Performance Tested Parent Stock; flock qualification.* (a) Flocks offered for qualification under §§ 145.22 and 145.23 and for which reports have been made as required by § 145.26 may qualify as:

(1) Performance Tested Parent Stock for egg production when such stock represented in an officially recognized central or multiple unit random sample egg production test by an entry which ranked in the upper one-fourth of the entries, or was not significantly different from the top entry in income above feed and chick costs per pullet chick started.¹ (When the breeder has entries in more than one central or multiple unit random sample test, qualification shall be based upon the average rank in all such tests.)

(2) Performance Tested Parent Stock for meat production when such stock represented in an officially recognized random sample meat production test by an entry which ranked in the upper one-fourth of the entries, or was not significantly different from the top entry in average rate of egg production on hen-housed basis and in rate of growth.¹ (When the breeder has entries in more than one central or multiple unit random sample test, qualification shall be based upon the average performance records in all such tests.)

(b) Any entry for which the results have been invalidated and so indicated in the published test report by the test

¹Significance of difference shall be determined by a suitable mean separation procedure such as the Duncan's Multiple Range Test at the 5 percent level of significance.

management will not be considered in compiling performance averages for qualification.

(c) Qualification for the U. S. Performance Tested Parent Stock classification shall be determined by the AH Division from records submitted by supervisors of approved tests; and that Division shall notify each entrant and his Official State Agency of his qualification or failure to qualify.

(d) Stock classified as Performance Tested Parent Stock may retain that classification for one year after classification, provided the stock is maintained under the supervision of the qualifying breeder, and is mated in the same combination, and for one more year when, in addition, the stock has been continuously represented by an entry as provided in § 145.23.

§ 145.25 *U. S. Performance Tested Parent Stock; sale of products.* When products are sold or offered for sale as Performance Tested Parent Stock, the breeder shall be able to substantiate by records filed with the Official State Agency that such products are from matings qualified as Performance Tested Parent Stock.

§ 145.26 *U. S. Performance Tested Parent Stock; annual summary.* The Official State Agency shall submit to the AH Division, for publication, whichever of the following reports are appropriate for each entry:

(a) An egg production test report shall comprise the following:

(1) Name and location of test;
(2) Breed and variety of entry (indicate if the entry is a crossbred, strain cross, or hybrid combination);
(3) Breeder's grade designation of chicks entered;

(4) Total number of females in the flock or flocks from which sample was drawn;

(5) Number of pullet chicks started;

(6) Number of pullets housed;

(7) Age at housing (age records started);

(8) Age at which pullets attained 50 percent production;

(9) Average egg weight at 240 days of age;

(10) Average egg production to 500 days of age, hen-housed basis, number and percent;

(11) Average egg production in number of eggs to 500 days of age, hen-day basis;

(12) Adult mortality;

(13) Average egg weight based on one or more weighings at 11 to 13 months of age;

(14) Average body weight based on one or more weighings at 11 to 13 months of age;

(15) Interior egg quality data, if available and requested by breeder;

(b) A meat production test report shall comprise the following:

(1) For the growing phase:

(i) Name and location of test;

(ii) Duration of test (8 or 9 weeks);

(iii) Breed and variety of entry (indicate if the entry is a crossbred, strain cross, or hybrid combination);

(iv) Breeder's grade designation of chicks entered;

(v) Total number of females in flock or flocks from which sample was drawn;
 (vi) Number of chicks started;
 (vii) Mortality;
 (viii) Average weight and variability of all pullets;

(ix) Average weight and variability of all cockerels;

(x) Number of cockerels dressed (at least 50 selected at random);

(xi) Average live weight of dressed cockerels;

(xii) Average New York dressed weight before chilling;

(xiii) Average eviscerated weight, if available;

(xiv) Number of Grade A, B, and C carcasses, based on fleshing; finish; and freedom from pinfeathers;¹

(xv) Number of birds rejected due to crooked or dented keel, hunchback, misshapen bones, calluses and blisters, scabby or discolored backs, black, blue or green color showing through skin; and

(2) For the laying phase:

(i) Name and location of test;

(ii) Breeder's grade designation of entry (female parent stock);

(iii) Total number of females in flock or flocks from which sample was drawn;

(iv) Number of pullets housed;

(v) Adult mortality for 240 days;

(vi) Average egg production in percent for a period of 240 days, hen-housed basis;

(vii) Average egg production in percent for a period of 240 days, hen-day basis;

(viii) Average egg weight;

(ix) Hatchability.

§ 145.27 Central random sample egg production test. (a) A central random sample egg production test shall be conducted at a neutral location under the supervision of an Official State Agency and shall consist of entries from two or more participants and a control stock approved by the Department.

(b) The sample to be tested shall consist of a random sample of eggs selected by a representative of the Official State Agency from all flocks used to produce the grade of chicks to be tested.

(c) At least 50 pullet chicks, hatched from these eggs, shall be started for each entry.

(d) Pen egg production and mortality shall be recorded daily until the birds are 500 days of age.

(e) At the end of the test a summary for each entry shall be submitted by the Official State Agency to the AH Division, for publication, including the items specified in § 145.26 (a).

§ 145.28 Multiple unit random sample egg production test. (a) A multiple unit random sample egg production test shall be conducted at two or more locations under the supervision of an Official State Agency and shall consist of entries from four or more participants.

(b) The sample to be tested shall consist of a random sample of eggs or chicks selected by a representative of the Official State Agency from all flocks used

to produce the grade of chicks to be tested.

(c) At least 60 pullet chicks shall be started for each entry at each of two or more locations.

(d) One entry at each test location shall be a common control stock.

(e) At housing time each entry may be divided into replicate pens at each test location.

(f) Pen egg production and mortality shall be recorded daily until the birds are 500 days of age.

(g) Body weight shall be obtained at housing time and at the conclusion of the test.

(h) At the end of the test a summary for each entry shall be submitted by the Official State Agency to the AH Division for publication, including the items specified in § 145.26 (a).

§ 145.29 Central random sample meat production test. (a) A central random sample meat production test shall be conducted at a neutral location under the supervision of an Official State Agency and shall consist of entries from two or more participants and a control stock approved by the Department.

(b) The sample shall be selected by a representative of the Official State Agency and (1) for the growing phase shall consist of a random sample of eggs selected from all flocks used to produce the grade of chicks to be tested; and (2) for the laying phase shall consist of a random sample of eggs, or chicks, or 4-6 month-old pullets selected at random from the female parent stock.

(c) Hatchability shall be based on eggs hatched for the growing phase.

(d) At least 250 straight-run chicks shall be started in the growing phase for each entry.

(e) At least 50 pullets or pullet chicks shall be started in the laying phase for each entry.

(f) Pen egg production and mortality shall be recorded daily for a period of 240 days.

(g) The duration of the growing test shall be either 8 or 9 weeks.

(h) At either 8 or 9 weeks of age individual body weights shall be recorded by sex for the growing phase entry. At this time a minimum of 50 cockerels shall be selected at random and dressed under the supervision of the Official State Agency.

(i) At the end of the test a summary for each entry shall be submitted by the Official State Agency to the AH Division, for publication, including the items specified in § 145.26 (b).

§ 145.30 On-the-farm performance tests; general. (a) These tests shall be conducted under the supervision of the Official State Agency on the breeder's farm or at some other location under his control.

(b) Good but not impractical commercial conditions shall prevail.

(c) The entries shall be selected by a representative of the Official State Agency and each bird shall be identified with an official, sealed and numbered band at the time of selection.

(d) Accurate mortality records shall be kept for the duration of the test, and

any bird removed from the test pen shall be considered as a mortality.

(e) Trapnesting of the entry shall be optional with the participant.

(f) There shall be a minimum of four unannounced inspections by a State Inspector, with at least two during the period when egg weights and body weights are recorded (11 to 13 months of age).

(g) The inspector shall determine the number of eggs laid on the day of inspection as a check on the accuracy of the breeder's records.

(h) The inspector shall weigh, either individually or as a lot, the eggs laid on the days of inspection during the period when egg weights are taken, and the average egg weight shall be computed from these weights.

(i) The entry shall be housed as a unit in a separate pen or building during the time egg production is being recorded.

(j) At the end of an on-the-farm test a summary for each entry shall be submitted by the Official State Agency to the AH Division for publication, including for an egg production test the items specified in § 145.26 (a) and for a meat production test the items specified in § 145.26 (b).

§ 145.31 On-the-farm performance test; egg production. (a) An entry shall consist of at least 125 pullet chicks selected at random by a representative of the Official State Agency and identified with sealed official wing bands at hatching time.

(b) Pen egg production shall be recorded daily until the birds are 500 days of age.

(c) The inspector shall weigh the pullets, either individually or as a lot, on one of the days of inspection during the period when the birds are 11 to 13 months of age, and the average body weight shall be computed from these weights.

§ 145.32 On-the-farm performance test; meat production. (a) The entry shall consist of:

(1) 250 or more straight-run chicks of the grade to be tested, selected at random by a representative of the Official State Agency from those produced by all mated pullets used to produce the grade of chicks to be tested; and

(2) 100 or more pullets selected at random at 4 to 6 months of age from the female parent stock of the chicks to be tested.

(b) The duration of the test shall be either 8 or 9 weeks.

(c) The chicks shall be floor brooded for the duration of the test with no more than 1½ square feet of floor space per bird.

(d) The inspector shall weigh and record the weight and sex of each bird at the conclusion of the test. At this time a minimum of 50 cockerels shall be selected at random and dressed under the supervision of the inspector.

(e) Pen egg production and mortality shall be recorded daily for a period of 240 days.

(f) Hatchability shall be determined by the inspector by checking at random, the hatchability of at least 1,000 eggs from those produced by all mated pullets used to produce the grade of chicks to be tested.

¹The grading will be based on United States Classes, Standards and Grades for Poultry as contained in 7 CFR Part 70, Subpart B.

(g) The entrant shall be disqualified by any misrepresentation, falsification or use of artificial practices (except light) such as plumping, hormones, etc.

§ 145.33 *National random sample performance testing program.* The national random sample performance testing program embodies the operation of central or multiple unit performance tests available to any poultry breeder in accordance with the following provisions:

(a) The tests shall be conducted cooperatively by the Department and a State Agricultural Experiment Station or other State Agency approved for the purpose by the Department.

(b) The program shall be conducted under the supervision and control of a governing board, which shall be composed of:

(1) Members nominated and elected by persons participating in the testing program and approved by the cooperating agencies; and

(2) One ex officio member from each cooperating agency.

(c) The detailed plan of operation of the tests subject to the approval of the governing board shall be as follows:

(1) The test shall be available to any poultry breeder approved by the governing board. The entry shall be limited, however, to flocks certified, by an agency recognized by the governing board, as negative to a pullorum test.

(2) The breeder may carry on any type of breeding program desired, including hybridization, crossbreeding, etc.

(3) The test management of each test shall attempt to provide similar environmental conditions at each test location for all entries.

(4) The test management of any central or multiple unit random sample test may rule that the results of one or more entries are invalid. The reason for such invalidation shall be a part of the published report.

(5) The results of both the egg production and meat phase shall be promptly published at the conclusion of each year's test. The publication shall include an interpretation of the statistical validity of the results.

(6) The actual performance of each reportable item shall be published rather than a ranking based on one character or combination of characters.

(7) All entries shall consist of sufficient hatching eggs to produce 125 pullet chicks.

(8) Hatching eggs shall be selected at random by a disinterested person designated by the test management.

(9) Hatching eggs shall be selected from those used to produce a designated commercial grade of the breeder's chicks.

(10) The type of entry shall be designated as: "single-strain purebred" (suitable for use in breeding flocks) or "others".

(11) The eggs shall be set on a date determined by the governing board.

(12) Records shall be kept on the fertility and hatchability of the eggs submitted.

(13) Chicks shall be reared intermingled to housing time. (The same number of chicks from each entry to be brooded and reared together.)

(14) All birds removed from the test pen except males resulting from errors in sexing shall be considered as mortality. (When males are removed the number of chicks entered shall be adjusted accordingly.)

(15) Rearing mortality shall be based on the period from hatching to housing date.

(16) Laying house mortality shall be based on the period from housing to the conclusion of the test.

(17) All sick or dead birds removed from the test shall be autopsied.

(18) Each entry shall be housed not later than 160 days of age and until the end of the test period.

(19) All eggs laid subsequent to housing shall be credited to the entry.

(20) Production records shall be kept from the date of housing until the conclusion of the test, but in no case less than 500 days of age.

(21) Egg weight shall be determined by grading the eggs into the market grades, with respect to weight only. The eggs from each entry shall be graded one day a week from laying to February 1, and one day a month thereafter.

(22) Body weight shall be determined at housing time and at the conclusion of the test by bulk weighing the pullets.

(23) Egg quality data shall be collected one day a month during the 8th, 10th, 12th and 14th months of age. This shall be based on measurements of all the eggs laid that day and shall include the following:

(i) Egg shape;
(ii) Shell thickness;
(iii) Meat and blood spots; and
(iv) Albumen quality (broken out basis).

(24) Feed consumption data shall be recorded from housing to the end of the test. All-mash rations approved by the test management shall be fed throughout the test.

(25) For an entry in the meat production phase, the following additional provisions shall apply:

(i) Twenty-four (24) male chicks of the male line used to produce the meat production chicks shall be started at hatching time.

(ii) Of the 24 males, eight males shall be selected and mated with the pullet entry at housing time. Rotating or shifting the males is desirable in which case 16 males would be used.

(iii) Eggs shall be collected and hatched from the test pen a minimum of twice a year and as many more times as feasible with available facilities.

(iv) A sufficient number of eggs shall be set to produce 200 straight run chicks. This figure may be modified, depending on the number of entries to be tested, the facilities available, and the number of growth trials to be conducted annually.

(v) Chicks referred to in subdivision (iv) of this subparagraph shall be reared to 10 weeks of age at which time the entire lot shall be dressed.

(26) Additional details to apply to the growing test of the meat production phase are as follows:

(i) Hatchability and fertility data shall be obtained for the eggs collected

for the production of chicks for the growing test.

(ii) Livability shall be determined for the periods of hatching to two weeks of age and two weeks to 10 weeks of age.

(iii) Feed consumption to 10 weeks of age shall be collected, assuming that each entry can be reared separately.

(iv) The following additional data shall be collected at 10 weeks by sexes:

(a) Individual live body weights,
(b) New York dressed weight of entire lot.

(c) Eviscerated weight of entire lot.

(d) Percent of birds of Grade A, B, and C for fleshing; for finish; and for freedom from pinfeathers.*

PART 146—NATIONAL TURKEY IMPROVEMENT PLAN (TURKEYS AND CERTAIN OTHER POULTRY)

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AUTHORITY: §§ 146.1 to 146.31 issued under sec. 101, 58 Stat. 734, as amended; 7 U. S. C. 429.

§ 146.1 *Definitions.* Except where the context otherwise requires, for the purposes of this part the following terms shall be construed, respectively, to mean:

(a) *Plan.* The provisions of the National Turkey Improvement Plan contained in this Part.

(b) *Person.* A natural person, firm, or corporation.

(c) *Department.* The United States Department of Agriculture.

(d) *AH Division.* The Animal Husbandry Research Division of the Agricultural Research Service of the Department.

*The grading will be based on U. S. Classes, Standards, and Grades for Poultry as contained in 7 CFR Part 70, Subpart B.

(e) *State.* Any State, the District of Columbia, Alaska, Hawaii, or Puerto Rico.

(f) *Official State Agency.* The State authority recognized by the Department to cooperate in the administration of the Plan.

(g) *State Inspector.* Any person employed or authorized under § 146.11 (b) to perform functions under this part.

(h) *Authorized Agent.* Any person designated under § 146.11 (a) to perform functions under this part.

(i) *ROP Supervisor.* The person employed or authorized to perform functions under § 146.27.

(j) *ROP Inspector.* The person employed or authorized to perform functions under § 146.28.

(k) *Affiliated flockowner.* A flockowner who is participating in the Plan through an agreement with a participating hatchery.

(l) *Flock—(1) As applied to breeding.* All turkeys of one kind of mating (variety or combination of stocks) and of one classification on one farm;

(2) *As applied to disease control.* All of the turkeys on one farm, except that, at the discretion of the Official State Agency, any group of turkeys which is segregated from another group and has been so segregated for a period of at least 21 days may be considered as a separate flock.

(m) *Hatchery.* Hatchery equipment on one premises operated or controlled by any person for the production of poult.

(n) *Products.* Turkey breeding stock and hatching eggs, and poult.

(o) *Baby poult.* Poult that have not been fed or watered.

(p) *USROP or ROP.* U. S. Record of Performance.

(q) *Strain.* Turkey breeding stock bearing a given name produced by a breeder through at least five generations of closed flock breeding.

(r) *Trade name or number.* A name or number compatible with State or Federal laws and regulations applied to a specified stock or product thereof, and which has been filed with the Official State Agency together with a description of such stock.

(s) *Broad-breasted.* A term used to describe a type of turkey which at the time of selection, and no later than 30 weeks of age, has a breast width at a point $1\frac{1}{4}$ inches above the keel of at least $3\frac{1}{2}$ inches, for both toms and hens.

§ 146.2 *Administration.* (a) The Department cooperates through a Memorandum of Understanding with Official State Agencies in the administration of the Plan.

(b) The Official State Agency shall carry out the administration of the Plan within the State according to the applicable provisions of the Plan and Memorandum of Understanding. An Official State Agency may accept for participation an affiliated flock located in another State under a mutual understanding and agreement between the two Official State Agencies regarding conditions of participation and supervision.

(c) The Official State Agency of any State may adopt regulations applicable to the administration of the Plan in such State further defining the provisions of

the Plan or establishing higher standards compatible with the Plan.

§ 146.3 *Participation.* (a) Any person producing or dealing in poultry products may participate in the Plan when he has (1) demonstrated, to the satisfaction of the Official State Agency, that his facilities, personnel, and practices are adequate for carrying out the applicable provisions of the Plan; and (2) signed an agreement with the Official State Agency to comply with the general and the applicable specific provisions of the Plan and any regulations of the Official State Agency under § 146.2. Affiliated flockowners may participate without signing an agreement with the Official State Agency.

(b) Each participant shall comply with the Plan throughout the operating year of the Official State Agency, or until released by such Agency.

(c) A participant in any State shall participate with all of his turkey hatching egg supply flocks and hatchery operations within such State.

(d) No person shall be compelled by the Official State Agency to qualify products for any of the classifications described in § 146.10 (a), (b), (c) and (d) as a condition of qualification for either of the classifications described in § 146.10 (e) and (f).

(e) Participation in the Plan shall entitle the participant to use the Plan emblem reproduced below:



FIGURE 9.

§ 146.4 *General provisions for all participants.* (a) Records of purchases and sales and the identity of products handled shall be maintained in a manner satisfactory to the Official State Agency.

(b) Products, records of sales and purchases of products, and material used to advertise products shall be subject to inspection by the Official State Agency at any time.

(c) Advertising must be in accordance with the Plan and applicable rules and regulations of the Official State Agency and the Federal Trade Commission.

(d) Participants may not buy or receive for any purpose products from non-participants, or sell products of non-participants, except with the permission of the Official State Agency for use in breeding flocks or for experimental purposes.

(e) The minimum weight of turkey hatching eggs shipped interstate shall

be $2\frac{1}{2}$ ounces each for small varieties and $2\frac{1}{2}$ ounces each for other varieties, unless otherwise specified by the purchaser of the eggs.

(f) When artificial insemination is used, its use and the extent of its use shall be stated in all performance reports.

(g) Standard and Broad Breasted turkeys of the same variety may not be kept for commercial production on the same premises or hatched for sale in the same hatchery.

(h) Each shipment of products to points outside the continental United States shall be accompanied by a properly executed Form NPIP-15F, Report of Sales of Hatching Eggs, Chicks and Poult (For Shipment Outside the United States).

§ 146.5 *Specific provisions for participating flocks.* (a) Poultry houses and the land in the immediate vicinity thereof shall be kept in sanitary condition acceptable to the Official State Agency.

(b) All flocks shall consist of birds that have been selected for health, vigor and freedom from physical deformities of economic importance by an Authorized Agent or State Inspector.

(c) A flock shall be deemed to be a participating flock at any time only if it has been officially blood tested within the past 12 months with no pullorum or typhoid reactors on the last test. (See § 146.14 relating to the official blood test.)

(d) Each bird shall be identified with a sealed and numbered band obtained through or approved by the official State Agency.

§ 146.6 *Specific provisions for participating hatcheries.* (a) Hatcheries, including brooder rooms, shall be kept in sanitary condition, acceptable to the Official State Agency. The minimum requirements with respect to sanitation shall include the following:

(1) Incubator walls, floors and trays shall be kept free from broken eggs and egg shells.

(2) Tops of incubators and hatcheries shall be kept clean (not used for storage).

(3) Entire hatchery, including sales room, shall be kept in a neat, orderly condition and free from accumulated dust.

(4) Hatchery residue such as egg shells, infertile eggs and dead germs shall be disposed of promptly.

(5) Hatcheries and hatching trays shall be cleaned and fumigated or disinfected after each hatch.

(b) A hatchery which keeps started poultry (poultry that has been fed or watered) must keep such poultry separated from the incubator room in a manner satisfactory to the Official State Agency.

(c) All poult offered for sale under Plan terminology shall be normal and typical of the variety, cross, or other combination represented.

(d) Eggs incubated shall be sound in shell and reasonably uniform in shape. Eggs shall be trayed and poult boxed with a view to uniformity of size.

(e) All hatcheries within a State which are operated under the ownership or management of the same person or

persons or related corporations, or in which the same person or persons have a substantial financial interest as partners or otherwise, shall participate in the Plan if any of them are to participate. All hatching eggs and poult sold by such hatcheries shall be of the same pullorum-typhoid classification.

§ 146.7 *Specific provisions for participating dealers.* Dealers in turkey breeding stock or hatching eggs or poult shall comply with all provisions in this Part which apply to their operations.

§ 146.8 *Terminology and classification; general.* (a) The official classification terms defined in §§ 146.9 and 146.10 and the various designs illustrative of the official classifications as reproduced in § 146.10 may be used only by participants and to describe products that have met all the specific requirements of such classifications. (See also § 146.16 (e).)

(b) Products produced under the Plan shall lose their identity under Plan terminology when they are purchased for resale by, or consigned to, non-participants.

(c) Participating flocks and the eggs and poult produced from them may be designated by their strain or trade name.

(1) A breeder's strain name may be used only when the flock is composed of (i) birds which were hatched from eggs produced under the direct supervision of the breeder or (ii) stock multiplied by persons designated and so reported by the breeder to each Official State Agency concerned.

(2) A breeder's trade name may be used only by persons authorized and so reported, to each Official State Agency concerned, by the breeder.

(d) Domesticated waterfowl, game birds and guinea meeting the requirements for participation for any of the classifications specified in § 146.10 may be designated as coming within such classification.

§ 146.9 *Terminology and classification; hatcheries and dealers.* Participating hatcheries and dealers shall be designated as "National Plan Hatchery" and "National Plan Dealer," respectively.

§ 146.10 *Terminology and classification; flocks and products.* Participating flocks, and the eggs and poult produced from them, which have met the respective requirements specified in this § 146.10 may be designated by the following terms or illustrative designs:

(a) *U. S. Record of Performance.* Males and females meeting prescribed standards as provided in §§ 146.18 and 146.19. (Hatching eggs and poult designated as ROP must also meet the requirements specified in §§ 146.23 and 146.24, respectively.)



FIGURE 10.

(b) *U. S. Performance Tested Parent Stock.* Flocks represented in both a turkey reproduction test as provided for in § 146.29 and in a central turkey meat production test as provided for in § 146.30 by entries that have met the following performance standards:

(1) Average poult production of at least 20 salable poult per hen in eight weeks;

(2) Poult livability to 8 weeks of age of at least 90 percent or above the average of the test.

(3) Market quality of U. S. Grade A, except for dressing and handling defects, for at least 90 percent, or above the average of the test, of all birds graded.

(4) Qualification for the U. S. Performance Tested Parent Stock classification shall be determined by the AH Division from records submitted by supervisors of central turkey meat production and turkey reproduction tests; and that Division shall notify each entrant and his Official State Agency of his qualification or failure to qualify.



FIGURE 11.

(c) *U. S. Certified.* Flocks meeting one of the three following specifications:

(1) All males ROP or from ROP mass matings.

(2) Males and females from flocks composed of the following: ROP males or males from ROP mass matings mated to females from ROP qualified matings; or ROP mass matings; or ROP candidate matings in which 50 percent or more of the dam's family qualified for ROP. (Poult produced under this subparagraph for use in U. S. Certified flocks shall be properly identified at hatching time.)

(3) Males and females from Performance Tested Parent Stock. In case the tested stock is a cross of strains, the U. S. Certified flock shall be a combination of the same pure strains as used in the tested flock. (Poult produced under this subparagraph for use in U. S. Certified flocks shall be properly identified at hatching time.)



FIGURE 12.

(d) *U. S. Approved.* All males and females selected by Authorized Agents according to standards prescribed by the Official State Agency or the State College of Agriculture.



FIGURE 13.

(e) *U. S. Pullorum-Typhoid Passed.* Flocks in which no pullorum or typhoid reactors were found on the last official blood test provided for in § 146.5 (c).



FIGURE 14.

(f) *U. S. Pullorum-Typhoid Clean.* Flocks in which no reactors were found on the first official blood test provided for in § 146.5 (c): *Provided*, That if reactors are found on the first test the flock may qualify with two consecutive official negative tests. In order to sell hatching eggs or poult of this classification, all hatching eggs and poult handled must be of this classification.



FIGURE 15.

§ 146.11 *Supervision.* (a) The Official State Agency may designate qualified persons as Authorized Agents to do the selecting and blood collecting provided for in §§ 146.5, 146.10, and 146.14.

(b) The Official State Agency shall employ or authorize qualified persons as State Inspectors to perform, or supervise the performance of the selecting and testing of participating flocks and to perform the official inspections necessary to verify compliance with the requirements of the Plan.

§ 146.12 *Inspections.* (a) Each participating hatchery shall be inspected a sufficient number of times each year to satisfy the Official State Agency that the operations of the hatchery are in compliance with the provisions of the Plan.

(b) Each year at least 15 percent of the flocks selected and tested by Authorized Agents shall be inspected by a State Inspector. This must include the inspection of some flocks of each hatchery.

Each flock inspection shall include the examination of a sufficient number of males and females to determine whether the work of the Authorized Agent was satisfactory and that the flock is qualified for participation.

§ 146.13 Debarment from participation. Non-compliance with the provisions of the Plan, or regulations of the Official State Agency under § 146.2, not corrected within the time specified by the Official State Agency, shall be grounds for the Official State Agency to bar a participant from further participation for a period to be determined in each case by the Official State Agency. Such action shall not be taken until a thorough investigation has been made by the Official State Agency and the participant has been given an opportunity for a hearing.

§ 146.14 Blood testing. (a) In the official blood test, the blood shall be drawn by an Authorized Agent or State Inspector and tested by an authorized laboratory, using either the standard tube agglutination or rapid serum test. The recommended procedures for conducting such tests are described in Subpart A, Part 147, of this chapter.

(b) There shall be an interval of at least 21 days between any official blood test and any previous test with pullorum-typhoid antigen.

(c) All turkeys to be used as breeders must be tested when more than four months of age.

(d) All domesticated fowl on the farm of the participant shall either be properly tested to meet the same standards as the participating flock or these birds and their eggs shall be separated from the participating flock and its eggs.

(e) All tests with *Salmonella* antigens of flocks participating in or candidates for participation in the Plan shall be reported to the Official State Agency within 10 days following the completion of such tests. All reactors shall be considered in determining the classification of the flock.

(f) Reactors may be submitted to a laboratory for autopsy and bacteriological examination. The laboratory and the number of reactors to be submitted shall be designated by the Official State Agency. The recommended minimum procedure for bacteriological examination is described in Subpart B, Part 147 of this chapter. When reactors are submitted within 10 days from date of reading the test and the bacteriological examination fails to demonstrate pullorum or typhoid infection, the flock shall be deemed to have had no pullorum or typhoid reactors. If other members of the *Salmonella* group or paracolon are isolated, the Official State Agency may disqualify the flock for participation, or require such other action as is deemed necessary with respect to the infection.

(g) After a flock has been classified by the Official State Agency, the results of any retesting of such flocks during the current breeding and hatching season shall not adversely affect its classification for the season, except that if in the opinion of the Official State Agency the amount of reaction found in any flock is such as to be dangerous

or detrimental to the operation of the Plan, the Official State Agency shall require that such flock or flocks be retested after an interval of at least 21 days, or that use of such flocks as sources of eggs for participants be immediately discontinued. Furthermore, the Official State Agency may require that the hatching eggs from such flocks be removed from the incubator and destroyed prior to hatching.

§ 146.15 USROP; general. The ROP classification is based on records of egg production, hatchability, and body weight made on the breeder's premises under supervision of the Official State Agency. Records made at State colleges of agriculture and State and Federal experiment stations may be recognized as ROP by Official State Agencies in qualifying birds for use of ROP breeders.

§ 146.16 USROP; participation. (a) Any person who, in the opinion of the Official State Agency, has the facilities for conducting a systematic program of turkey breeding is eligible for ROP participation.

(b) The participant's farm and all egg production, pedigree and sales records shall be subject at all times to unannounced inspections by the ROP Inspector.

(c) All young hens of the variety entered which are trapnested on the premises of an ROP participant shall be considered as entered in ROP.

(d) After the first two years of ROP participation, the participant shall maintain at least five candidate matings.

(e) The term "USROP" or "ROP" may be used in advertising products by any person only if he is an ROP participant and if his candidates have met all the requirements of this classification for the current or preceding season.

(f) The participant shall send to the ROP Supervisor not later than the tenth day of each month, a complete report of all trapnesting for the previous month. At the end of each four hatches, he shall also send to the ROP Supervisor on form NPIP 8 (or substitute form) a complete record of all pedigreed eggs set, poult hatched and poult banded.

§ 146.17 USROP; candidate matings. These matings shall be comprised of ROP candidate hens and ROP toms to which the following provisions apply:

(a) Each hen shall be identified with an official sealed and numbered band.

(b) Only one tom, or two full brothers, shall be allowed in a mating at any one time and the date of entry and removal of toms shall be properly recorded.

(c) The hens shall be trapnested at regular intervals each day for at least 8 consecutive weeks.

(d) Each egg shall be accurately identified as to the hen that laid it.

(e) For each hen an accurate record shall be kept of (1) the eggs laid during the trapnesting period; (2) the number of eggs sold; (3) the number of eggs incubated; (4) the number of poult hatched; and (5) the number of poult banded.

(f) Each hen shall be weighed by the breeder or the ROP Inspector about the time the candidate begins egg produc-

tion, and the weight shall be recorded as the nearest whole number.

(g) The poult from these matings shall be banded with sealed and numbered official wing bands marked "Cand".

§ 146.18 USROP; qualification of hens. An ROP candidate hen which is a reasonably good representative of the variety in the judgment of the ROP Inspector, may qualify as an ROP hen if such candidate:

(a) Produces eggs at the rate of at least 50 percent for a period of at least eight consecutive weeks from the date the first normal egg is laid in a trapnest; and

(b) Produces eggs that hatch at the rate of at least 70 percent of all eggs set with a minimum of 20 poult hatched. The qualifying requirements for hatchability may be reduced to 65 percent when eggs are hatched at altitudes of 3,000 to 3,499 feet and to 60 percent at altitudes of 3,500 feet or more. All normal eggs produced by the candidate during a period of at least eight consecutive weeks agreed upon by the breeder and the ROP Supervisor shall be set. Hatchability shall be expressed as a whole number (fractions rounded to the nearest whole number).

§ 146.19 USROP; qualification of toms. Toms may qualify for the ROP classification if they are:

(a) Produced from ROP poult or from candidate hens which subsequently qualify as ROP hens;

(b) Good representatives of the variety with strong constitutional vigor when examined by the ROP Inspector not earlier than at 22 weeks of age; and

(c) Banded with an ROP sealed and numbered leg band when passed by the Inspector.

§ 146.20 USROP; exceptions to requirements for qualification. (a) When any disastrous event occurs that affects the breeder's ROP work, and when such event is immediately brought to the attention of his Official State Agency, this agency may, with the consent of the AH Division, make an equitable adjustment in the application of the qualifying requirements to such breeder.

(b) To make it possible for a breeder to get started in ROP breeding work within his own strain, during the first year of such work on his farm the tom mated with ROP candidate hens in ROP candidate matings need not be an ROP tom provided he is of equal pedigree or is a U. S. Approved tom of outstanding quality. Such toms may be used in similar matings during the second year of ROP breeding work, if re-examined and passed by the ROP Inspector. No eggs or progeny from such a mating shall be sold as ROP products. Young toms whose dams qualify for ROP classification may head U. S. Certified flocks owned or controlled by the breeder and may head ROP qualified matings on the breeder's premises.

§ 146.21 USROP; qualified matings. These matings shall be comprised of ROP hens and ROP toms and shall be maintained in accordance with the provisions of § 146.17 (a), (b), (c), (d), and (e).

§ 146.22 USROP; mass matings. (a) These matings shall be comprised of ROP hens with hatchability records of 85 percent or more, and ROP toms produced from hens with hatchability records of 85 percent or more.

(b) Pen egg production and hatchability records shall be kept.

(c) Poults from these matings shall be identified with sealed wing bands marked "Mass mated."

§ 146.23 USROP; hatching eggs. Such eggs shall be from qualified ROP matings. Each egg shall be marked with the number of the ROP hen that laid it and the pen or tom number of the mating.

§ 146.24 USROP; poults. Such poults shall be those produced from ROP hatching eggs. The poults from each hen shall be individually pedigreed by the ROP breeder or ROP Inspector and identified with sealed and numbered official wing bands at the time of hatching.

§ 146.25 USROP; participants producing ROP poults from purchased eggs. Such participants shall:

(a) Within five days after incubation has begun, send to the Official State Agency a list of the ROP eggs purchased;

(b) Within 5 days after hatching time, send to the Official State Agency a list of the poults hatched from each dam and their respective wing band numbers.

§ 146.26 USROP; sale of products.

(a) When ROP products are sold the seller shall, at the time of shipment, send to his ROP Supervisor a report in triplicate showing: (1) the name and address of the purchaser; (2) a list of the products sold with the pen or sire number and dam number of each; and (3) the egg production, hatchability and body weight of each dam.

(b) These reports shall be verified by the ROP Supervisor, who shall retain one copy and send one copy to the purchaser and one to the Official State Agency of the State to which the products are shipped.

§ 146.27 USROP; duties of ROP Supervisor. The ROP Supervisor shall represent the Official State Agency in the supervision of ROP participation. He shall:

(a) Keep on file in his office for at least five years a record of (1) all ROP qualified toms, with at least one-generation pedigree showing ROP records of the female ancestors; (2) all ROP qualified hens, with records of their egg production, hatchability and body weight; (3) all ROP qualified and candidate matings; and (4) all ROP poults with at least one-generation pedigree;

(b) Furnish the AH Division, for publication, an annual summary of the ROP work under his supervision, which shall include the following information for each flock:

(1) Variety of the entry;

(2) Total number of young hens of this variety on the farm;

(3) Number of ROP candidate matings;

(4) Mating procedure: (Natural mating, artificial insemination or both);

(5) Number of young hens entered for ROP classification;

(6) Number of young hens meeting the ROP requirements;

(7) Percentage of young hens entered meeting the ROP requirements;

(8) Average rate of egg production in percent for all candidate hens;

(9) Average hatchability of all eggs set from all candidate hens.

§ 146.28 USROP; duties of ROP Inspector. The ROP Inspector shall work under the direction of the ROP Supervisor. He shall: (a) Visit and inspect the work of each ROP breeder at least three times each year. (His visits shall be unannounced, and at least two shall be during the trapnest period);

(b) On each visit during the trapnest period (1) do the trapnesting for the day; (2) record the eggs laid by all hens entered for ROP classification; and (3) examine hens apparently out of production and determine whether they are being credited with eggs;

(c) On at least one visit examine all birds in both ROP matings and ROP candidate matings to see that birds in these matings are properly listed with the supervisor;

(d) Compare the number of eggs being incubated from each hen with the number she is credited with having laid during the corresponding period and subsequently with the number of poults reported hatched and wingbanded. (He shall have authority to examine for fertility the eggs being incubated);

(e) Weigh each ROP candidate as provided in § 146.17 (f) or check the weights of a sufficient number of candidates weighed by the breeder to satisfy himself that such weights are correct;

(f) Examine all tom and hen candidates for ROP qualification and band with sealed and numbered leg bands all qualified birds to be used or sold as being of the ROP classification. The body weight and the wing- and leg-band numbers of all toms banded shall be recorded at the time of such examination and banding.

§ 146.29 Turkey reproduction test.

A turkey reproduction test is a test of the reproductive (combination of egg production and hatchability) qualities of a representative sample of the entrant's stock conducted under the supervision of the Official State Agency, in accordance with the following provisions:

(a) The test shall be available to any participant whose flock is qualified for the U. S. Pullorum-Typhoid Clean classification.

(b) The entry shall consist of at least 200 hens, penned separately, which are representative of the entrant's supply flocks or his breeder replacement flocks.

(c) All eggs produced by the entry during a period of at least eight consecutive weeks designated in advance by the entrant, shall be incubated and complete records kept on the number of eggs produced, eggs set and salable poults hatched.

(d) The Official State Agency shall furnish the AH Division, for publication, the following information for each entry:

(1) Kind of stock (variety, strain or cross; supply flock or breeder replacement);

(2) Mating procedure: (Natural mating, artificial insemination or both);

(3) Number of breeder hens entered and total number in flocks which they represent;

(4) Average number of salable poults produced per hen entered at beginning of test.

§ 146.30 Central turkey meat production test. A central turkey meat production test is a test of a representative sample of the stock of two or more entrants, to fryer-roaster or mature marketing age, conducted under official supervision at a neutral location, in accordance with the following provisions:

(a) The test shall be available to any participant whose flock is qualified for the U. S. Pullorum-Typhoid Clean classification.

(b) The entry shall consist of at least 100 poults, 50 percent of each sex.

(c) A sufficient number of eggs, determined by the entrant, to produce the poults required for the entry shall be selected by a representative of the Official State Agency in accordance with the following procedure:

(1) Determine from Official State Agency records the flocks, and the number of birds in each, supplying eggs of the grade to be tested.

(2) The sample shall be taken from at least 50 percent of the flocks supplying eggs of the grade to be tested. These flocks shall be selected at random and shall comprise at least 50 percent of the birds in all such flocks. The sample shall be taken at random from eggs held in the hatchery egg room or in the egg rooms of the individual supply flocks; provided, that if the egg room contains eggs from more than one flock, all eggs must be identified as to flock source.

(3) The sample shall be taken in proportion to the number of birds in each sampled flock.

(4) The sample shall not include eggs which, in the opinion of the sample taker, are unsuitable for hatching.

(5) Each egg shall be identified with a stamp furnished by the test management and placed in an appropriate container for shipment to the test.

(6) The sample taker shall furnish the Official State Agency and the test supervisor with a detailed report of the procedure followed in obtaining each sample.

(d) The sample of eggs shall be taken at random from the entrant's supply flocks or from his breeder replacement flocks.

(e) The eggs from all entrants shall be incubated in one hatchery at the same time.

(f) Poults shall be banded in each wing with a sealed and numbered band for identification.

(g) Poults shall be brooded and reared either intermingled or separated by entries, at the option of the test management, provided that varieties of different size or color shall be separated.

(h) The duration of the test shall be determined by the test management.

(1) The following data shall be obtained and reported by the Official State Agency for each entry:

(1) Kind of stock (variety, strain or cross; supply flock or breeder replacement);

(2) Mating procedure: (Natural mating, artificial insemination or both);

(3) Number of breeder hens in the flock or flocks from which egg sample was drawn;

(4) Mortality to two weeks of age; to eight weeks of age; and to the end of the test. (When feed conversion data are obtained all birds that die shall be weighed at the time of death and such weights used in the computations);

(5) Average live weight (i) of fryer-roaster entry at the end of test; and (ii) of mature marketing entry at 12 weeks of age; and at close of test (such average weight shall be based on individual weights and separated by sexes);

(6) Average eviscerated weight, including neck and giblets, of all birds completing the test, by sexes. (If neck or giblets are not included this shall be explained in all reports);

(7) Average breast width, body depth and keel length of the New York dressed birds, by sexes. (The breast width shall be measured at the widest point $1\frac{1}{4}$ inches above the keel. The body depth shall be measured at the deepest point. These measurements shall be taken while the birds are suspended by the legs);

(8) Coefficient of variability of final live and eviscerated weights and body measurements;

(9) The number of birds, by sexes, (expressed in percentage) in each U. S. Grade with all factors considered, except dressing defects; and the number in U. S. Grade A for each of following factors: (i) fleshing; (ii) finish; and (iii) freedom from pinfeathers;

(10) Other items, such as dressing percentage, feed conversion and defects of economic importance, at the option of the Official State Agency and the AH Division.

(j) In each test the differences between the entry averages in final live and eviscerated weights and body measurements shall be analyzed by a suitable mean separation procedure such as the Duncan's Multiple Range Test. Significance or non-significance (at the 5 percent level) of the differences between entries shall be shown in the report published by the AH Division.

(k) The results of the tests reported to the AH Division by December 1 shall be published in a national summary alphabetically by test and entries, with no indication of rank other than that which may result from the procedure provided for in paragraph (j) of this section.

§ 146.31 On-the-farm turkey meat production test. An on-the-farm turkey meat production test is a test to fryer-roaster or mature marketing age of a representative sample of the entrant's stock conducted under supervision

of the Official State Agency to which the following provisions apply:

(a) The test shall be available to any participant whose flock is qualified for the U. S. Pullorum-Typhoid Clean classification.

(b) An entry shall consist of at least 100 poults, either straight-run or 50 percent of each sex.

(c) The sample of poults shall be taken at random from the entrant's supply flocks or from his breeder replacement flocks.

(d) Poults shall be banded in each wing with a sealed and numbered band for identification.

(e) The duration of the test shall be determined by the Official State Agency.

(f) The following data shall be obtained and reported by the Official State Agency for each entry:

(1) Kind of stock (variety, strain or cross; supply flock or breeder replacement);

(2) Mating procedure: (Natural mating, artificial insemination or both);

(3) Number of hens in the flock or flocks from which poult sample was drawn;

(4) Percentage of poults started that finished the test;

(5) Average live weight, by sexes, based on individual weights of all birds at the close of the test;

(6) Average eviscerated weight, including neck and giblets, of all birds completing the test, by sexes. (If neck or giblets are not included this shall be explained in all reports.);

(7) Average breast width, body depth and keel length of the New York dressed birds, by sexes. (The breast width shall be measured at the widest point $1\frac{1}{4}$ inches above the keel. The body depth shall be measured at the deepest point. These measurements shall be taken while the birds are suspended by the legs.);

(8) Coefficient of variability of all weights and body measurements.

(g) [Reserved]

(h) The results of the test reported to the AH Division by December 1, shall be published in a national summary alphabetically by entries, with no indication of rank.

PART 147—AUXILIARY PROVISIONS ON NATIONAL POULTRY AND TURKEY IMPROVEMENT PLANS

Subpart A—Blood Testing Procedures

Sec. 147.1	The standard tube agglutination test.
147.2	The rapid serum test.
147.3	The stained-antigen, rapid, whole-blood test.
147.4	Tube agglutination tests for <i>S. typhimurium</i> .

Subpart B—Bacteriological Examination Procedure

147.11	Laboratory procedure recommended for the bacteriological examination of reactors.
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Subpart C—Procedure for Changing National Poultry and Turkey Improvement Plans

147.21	Definitions.
147.22	General.
147.23	Submitting, compiling and distributing proposed changes.

Sec. 147.24	Official delegates.
147.25	General Conference Committee.
147.26	Committee consideration of proposed changes.
147.27	Conference consideration of proposed changes.
147.28	Approval of conference recommendations by the Department.

AUTHORITY: §§ 147.1 to 147.28 issued under sec. 101, 58 Stat. 734, as amended; 7 U. S. C. 429.

SUBPART A—BLOOD TESTING PROCEDURES

§ 147.1 The standard tube agglutination test. (a) The blood samples should be collected and delivered as follows:

(1) The blood samples should be taken by properly qualified and authorized persons only, and in containers provided by the laboratory. The containers should be stout-walled test tubes preferably $\frac{3}{8}$ by 3 inches, without lip, or small well-selected medicine vials, which have been thoroughly cleaned and dried in a hot-air drying oven. If stoppers are used they should be thoroughly cleaned and dried.

(2) Sufficient blood should be procured by making a small incision in the large median wing vein with a small sharp lancet and allowing the blood to run into the tube, or by the use of a small syringe (with 20 or 21 gage needle) which is properly cleansed between bleedings with physiological saline solution. To facilitate the separation of the serum the tubes should be placed in a slanted position until the blood has solidified. After the blood has completely clotted, they should be packed and shipped by mail (special delivery), rapid express, or by messenger, to the laboratory. All labeling must be clear and permanent, and may be done with a suitable pencil on etched portions of the tube, or by means of fast-gum labels.

(3) The blood samples must reach the laboratory in a fresh and unhemolyzed condition. Hemolyzed samples should be rejected. It is imperative, therefore, to cool the tubes immediately after slanting and clotting, and unless they reach the laboratory within a few hours, to pack them with ice in special containers, or use some other cooling system which will insure their preservation during transportation. In severe cold seasons, extreme precautions must be exercised to prevent freezing and consequent laking. The samples must be placed in cold (5° to 10° C.) storage, immediately upon arrival at the laboratory.

(b) The antigen shall consist of representative strains of *S. pullorum* which are of known antigenic composition, high agglutinability, but are not sensitive to negative and nonspecific sera. The stock cultures may be maintained satisfactorily by transferring to new sloped agar at least once a month and keeping at 18° to 25° C. (average room temperature) in a dark closet or chest, following incubation for from 24 to 36 hours at 37° C. The antigenic composition and purity of the stock cultures should be checked consistently.

¹ The procedure described is a modification of the method reported in the Proceedings of the United States Live Stock Sanitary Association, November 30 to December 2, 1932, pp. 487 to 491.

¹ The grading will be based on United States Classes, Standards and Grades for Poultry, as contained in 7 CFR, Part 70, Subpart B.

(c) A satisfactory medium which has been used for a long time has the following composition:

Water	1,000 cc.
Difco beef extract	4 gm. (0.4 percent)
Difco Bacto-peptone	10 gm. (1.0 percent)
Difco dry-granular agar	20 gm. (2.0 percent)

Reaction-pH 6.8 to 7.2.

Large 1-inch test tubes, Kollé flasks or Blake bottles should be streaked liberally over the entire agar surface with inoculum from 48-hour slant agar cultures prepared from the stock cultures of the selected strains. The antigen-growing tubes or bottles should be incubated 48 hours at 37° C. and the surface growth washed off with sufficient phenolized (0.5 percent) saline (0.85 percent) solution to make a heavy suspension. The suspension should be filtered free of clumps through a thin layer of absorbent cotton in a Buchner funnel with the aid of suction. The antigens of the separate strains should be combined in equal volume-density and stored in the refrigerator (5° to 10° C.) in tightly stoppered bottles.

(d) Thiosulfate-Glycerin (TG) medium may be used as an alternate medium for the preparation of tube agglutination antigen. The TG medium, formerly used for the preparation of stained, whole-blood antigen, is described in more detail in the article by MacDonald, A. D., Recent Developments in Pullorum Antigen for the Rapid, Whole-Blood Test, Report of the Conference of the National Poultry Improvement Plan, pages 122-127, 1941. This medium provides a tube antigen of excellent specificity and greatly increases the yield of antigen from a given amount of medium. The TG medium has the following composition:

Beef infusion	1,000 cc.
Difco Bacto-peptone	20 gm. (2.0 percent)
Sodium thiosulfate	5 gm. (0.5 percent)
Ammonium chloride	5 gm. (0.5 percent)
Glycerin, U. S. P. (95 percent)	20 cc. (2.0 percent)
Difco dry-granular agar	20 gm. (3.0 percent)

Reaction-pH 6.8 to 7.2.

Large 1-inch test tubes, Kollé flasks, Blake bottles or Erlenmeyer flasks should be seeded over the entire agar surface with inoculum from 24-hour beef infusion broth cultures prepared from the stock cultures of the selected strains. The antigen-growing tubes or bottles should be incubated 96 hours at 37° C. and the surface growth washed off with sufficient phenolized (0.5 percent) saline (0.85 percent) solution to make a heavy suspension. The suspension should be filtered free of clumps through a thin layer of absorbent cotton in a Buchner funnel with the aid of suction. The antigen should be then centrifuged. The mass of bacteria should be removed from the centrifuge tubes or bowl and resuspended in saline (0.85 percent) solution containing 0.5 percent phenol. After the bacterial mass has been uniformly suspended in the diluent it should be again passed through a cotton pad in a Buchner funnel without the aid of suction. The antigens of the separate strains should be combined in equal volume-density and stored in the

refrigerator (5° to 10° C.) in tightly stoppered bottles.

(e) The diluted antigen to be used in the routine testing should be prepared from the stock antigen by dilution of the latter with physiological (0.85 percent) saline solution containing 0.25 percent of phenol to a turbidity corresponding to 0.75-1.00 on the McFarland nephelometer scale. The hydrogen-ion concentration of the diluted antigen should be corrected to pH 8.2 to 8.5 by the addition of dilute sodium hydroxide. New diluted antigen should be prepared each day and kept cold. The diluted antigen may be employed in 2 cc. quantities in 4 by 1/2 inch test tubes or 1 cc. quantities in smaller tubes in which the final serum-antigen mixtures are made and incubated. The distribution of the antigen in the tubes may be accomplished by the use of long burettes, or special filling devices made for the purpose.

(f) The maximum serum dilution employed must not exceed 1:50 for chickens nor 1:25 for turkeys. The available data indicate that 1:25 dilution is the most efficient. In all official reports on the blood test the serum dilutions shall be indicated. The sera should be introduced into the agglutination tubes in the desired amounts with well-cleaned serological pipettes or special serum-delivery devices which do not permit the mixing of different sera. The antigen and serum should be well mixed before incubation. The serum and antigen mixture must be incubated for at least 20 hours at 37° C.

(g) The results shall be recorded as: N, or - (negative) when the serum-antigen mixture remains uniformly turbid. P, or + (positive) when there is a distinct clumping of the antigen, and the liquid between the agglutinated particles is clear. S, or ? (suspicious) when the agglutination is only partial or incomplete. M, or missing, when samples listed on the original record sheet are missing. H, or hemolyzed, when blood samples are hemolyzed and cannot be tested. B, or broken, when sample tubes are broken and no serum can be obtained.

(Some allowance must always be made for the difference in sensitiveness of different antigens and different set-ups, and therefore a certain amount of independent, intelligent judgment must be exercised at all times. Also, the histories of the flocks require consideration. In flocks where individuals show a suspicious agglutination, it is desirable to examine representative birds bacteriologically to determine the presence or absence of *S. pullorum*.)

§ 147.2 The rapid serum test.² (a) The procedure for the collection and delivery of blood samples in the rapid serum test is the same as that described in § 147.1 (a).

(b) The antigen should be prepared as follows: (1) The antigen should consist of representative strains of *S. pullorum* which are of known antigenic composition; high agglutinability, but are not sensitive to negative and nonspecific sera.

² The procedure described is a modification of the method reported by Runnels, Coon, Farley, and Thorpe, Amer. Vet. Med. Assoc. Jour. 70 (N. S. 23): 660-662 (1927).

(2) A satisfactory medium which has been used for a long time has the following composition:

Water	1,000 cc.
Difco beef extract	4 gm. (0.4 percent)
Difco Bacto-peptone	10 gm. (1.0 percent)
Difco dry-granular agar	20 gm. (2.0 percent)

Reaction-pH 6.8 to 7.2.

(3) Large 1-inch test tubes, Kollé flasks or Blake bottles are streaked liberally over the entire agar surface with inoculum from 48-hour slant-agar cultures prepared from stock cultures of the selected strains. The stock cultures may be maintained satisfactorily by transferring to new slanted agar at least once a month and keeping at 18° to 25° C. in a dark closet or chest, following incubation for from 24 to 36 hours at 37° C. The antigenic composition and purity of the stock cultures should be checked consistently.

(4) The antigen-growing tubes or bottles should be incubated 48 hours at 37° C. and the surface growth washed off with a very slight amount of 12 percent solution of sodium chloride containing 0.25 to 0.5 percent phenol, filtered through lightly packed sterile absorbent cotton placed in the apex of a sterile funnel.

(5) The washings should be adjusted (using 12 percent sodium chloride containing 0.25 to 0.5 percent phenol), so that the turbidity is 50 times greater than tube 0.75 of McFarland's nephelometer or to a reading of 7 mm. by the Gates nephelometer.

(6) The individual strain antigens should be tested with negative sera for their insensitivity and with positive sera for high agglutinability in comparison with known satisfactory antigen. The antigens of the separate strains should be combined in equal volume-density and stored in the refrigerator (5° to 10° C.) in tightly stoppered bottles.

(c) The tests should be conducted on a suitable, smooth plate. The serum-antigen dilution should be made so that the dilution will not exceed 1:50 when compared to the standard tube agglutination test. When testing turkey blood samples it is desirable to use a serum-antigen dilution equivalent to the 1:25 in the tube method. The serum should be added to the antigen and mixed thoroughly by use of the tip of the serum pipette. Most strong positive reactions will be plainly evident within 15 to 20 seconds. The final reading should be made at the end of 2 or 3 minutes. Heating the plate at approximately 37° C. will hasten agglutination. Before reading, the plate should be rotated several times.

(d) The results shall be recorded as: N, or - (negative) when the serum-antigen mixture remains uniformly turbid. P, or + (positive) when there is a distinct clumping of the antigen, and the liquid between the agglutinated particles is clear. S, or ? (suspicious) when the agglutination is only partial or incomplete. M, or missing, when samples listed on the original record sheet are missing. H, or hemolyzed, when blood samples are hemolyzed and cannot be tested. B, or broken, when sample tubes are broken and no serum can be obtained.

(Allowance should be made for differences in the sensitiveness of different antigens and different set-ups, and therefore a certain amount of independent, intelligent judgment must be exercised at all times. Also, the histories of the flocks require consideration. In flocks where individuals show a suspicious agglutination, it is desirable to examine representative birds bacteriologically to determine the presence or absence of *S. pullorum*.)

§ 147.3 The stained-antigen, rapid, whole-blood test. (a) The description of the preparation of antigen is not herein included because that product is produced only under license from the Secretary of Agriculture in accordance with specific directions.

(b) A loop for measuring the correct quantity of blood can usually be obtained from the manufacturer of the antigen. A satisfactory loop may be made from a piece of No. 20 gage nichrome wire, 2½ inches long, at the end of which is fashioned a loop three-sixteenths of an inch in diameter. Such a loop when filled with blood, so that the blood appears to bulge, delivers 0.02 cc. A medicine dropper, whose tip is adjusted to deliver 0.05 cc. is used to measure the antigen. A glass plate about 15 inches square providing space for 48 tests has proved satisfactory for this work. The use of such a plate enables the tester to have a number of successive test mixtures under observation without holding up the work to wait for results before proceeding to the next bird.

(c) A drop of antigen should be placed on the testing plate. A loopful of blood should be taken up from the wing vein. When submerged in the blood and then carefully withdrawn, the loop becomes properly filled. On looking down edge-wise at the filled loop, one observes that the blood appears to bulge. The loopful of blood then should be stirred into the drop of antigen and the mixture spread to a diameter of about 1 inch. The loop then should be rinsed in clean water and dried by touching it to a piece of clean blotting paper, if necessary. The test plate should be rocked from side to side a few times to mix the antigen and blood thoroughly, and to facilitate agglutination. The antigen should be used according to the directions of the producer.

(d) Various degrees of reaction are observed in this as in other agglutination tests. The greater the agglutinating ability of the blood the more rapid the clumping and the larger the clumps. A positive reaction consists of a definite clumping of the antigen surrounded by clear spaces. Such reaction is easily distinguished against a white background. A somewhat weaker reaction consists of small but still clearly visible clumps of antigen surrounded by spaces only partially clear. Between this point and a negative or homogeneous smear there sometimes occurs a very fine granulation barely visible to the naked eye; this should be disregarded in making a diagnosis. The very fine marginal clumping

which may occur just before drying up is also regarded as negative. In a non-reactor the smear remains homogeneous. (Allowance should be made for differences in the sensitiveness of different antigens and different set-ups, and therefore a certain amount of independent, intelligent judgment must be exercised at all times. Also, the histories of the flocks require consideration. In flocks where individuals show a suspicious agglutination, it is desirable to examine representative birds bacteriologically to determine the presence or absence of *S. pullorum*.)

§ 147.4 Tube agglutination tests for *S. typhimurium*. (a) The procedure for the collection and delivery of blood samples in the tube agglutination tests for *S. typhimurium* is the same as that described in § 147.1 (a).

(b) The "O" antigen should be prepared as follows:

(1) The antigen shall consist of a representative non-motile strain of *S. typhimurium* which is of known antigenic composition, high agglutinability, but is not sensitive to negative and nonspecific sera. Strain P 10 meets these requirements.

(2) The stock culture is maintained on 1 percent nutrient agar deeps, which have been incubated for 18-24 hours at 37° C. They are stored at room temperature.

(3) A satisfactory medium used for growing the organism is veal infusion agar (Difco). It is dispensed in 50 ml. amounts into 500 ml. medicine bottles, with screw caps, and sterilized at 15 lbs. pressure for 20 minutes. The bottles are then laid flat upon an even surface until the medium has solidified.

(4) The inoculum used for preparation of "O" antigen is a non-motile strain of *S. typhimurium*. The organism is grown in veal infusion broth (Difco) for 18-24 hours at 37° C., then plated, for single colony isolation, on veal infusion agar plates. These plates are incubated for 18-24 hours at 37° C. After incubation single colonies are picked and transferred to veal infusion agar slants, which are incubated for 18-24 hours at 37° C. After this the cultures are tested for smoothness by using a 1:500 dilution of acriflavine.

(5) Smooth cultures are inoculated into flasks containing veal or beef infusion broth which is incubated for 18-24 hours at 37° C. The incubated broth suspension of organisms is dispensed into the antigen bottles containing veal infusion agar. The suspension is distributed evenly over the agar surface by gently tilting the bottles from side to side. The inoculated bottles are then laid flat, agar side down, for 10-20 minutes. They are subsequently incubated, agar side upward, for 24-48 hours at 37° C. before harvesting.

(6) The harvesting of the organism consists of washing the growth from each antigen bottle with 0.5 percent phenolized physiological saline. The bacterial suspension from each bottle is filtered through sterile milk pad filters into a large sterile container or through a thin layer of absorbent cotton in a Buchner funnel with the aid of suction.

To each 100 ml. of the bacterial suspension is added additional phenol to make the final concentration 0.5 percent. The concentrated antigen is tested for sterility at intervals after 24 hours. After sterility is proved the stock antigen is standardized to determine the density according to the McFarland nephelometer scale.

(7) The diluted antigen to be used in routine testing is prepared from stock antigen by diluting with 0.25 percent phenolized saline and is standardized to a turbidity corresponding to 0.75-1.00 of the McFarland nephelometer scale.

(c) The "H" antigen should be prepared as follows:

(1) Stock cultures of fixed phases, 1 and 2, of *S. typhimurium* are maintained in semisolid medium containing desired suppression antiserum. However, before using the cultures for the preparation of "H" antigen they should be passed through semisolid medium at 24 hour intervals in order to obtain a high degree of motility and checked for desired phase antigens.

(2) Either a solid or a liquid medium may be used to obtain growth for antigen. The solid medium is the same as that used in the preparation of "O" antigen. The liquid medium is veal infusion broth, dispensed in 1,000 ml. amounts into 2,000 ml. flasks.

(3) Each phase is inoculated separately into either solid or liquid medium. The flasks of broth to be used for inoculum of the solid medium are inoculated directly from the semisolid medium. If solid medium is used, the inoculated antigen bottles are handled and incubated in the same manner as when making the "O" antigen.

If liquid medium is used it is inoculated directly from the semisolid culture of bacteria.

(4) Each phase is harvested separately by washing the growth from the antigen bottles, with physiological saline containing 0.6 percent formalin. The washed inoculum is filtered through sterile milk pad filters into a large container or through a thin layer of absorbent cotton in a Buchner funnel with the aid of suction. To each 100 ml. of the bacterial suspension, formalin is added to make the final concentration from 0.5 to 1.0 percent. The stock antigen is tested for sterility at intervals after 24 hours. After sterility is proved the stock antigen is standardized to determine the density according to the McFarland nephelometer scale. Then Phase 1 and Phase 2 antigens are combined so that the stock "H" antigen will contain the same proportion of Phase 1 and Phase 2, as determined by standardization. The "H" antigens prepared from broth are treated with formalin so the final concentration is 0.5-1 percent.

(5) The diluted antigen to be used in routine testing is prepared from stock antigen by diluting with 0.25 percent formalized saline and is standardized to a turbidity corresponding to 0.75-1.00 on the McFarland nephelometer scale. The antigens are stored in the refrigerator (5° to 10° C.) in tightly stoppered bottles.

* The procedure described is a modification of the method reported by Schaffer, MacDonald, Hall, and Bunyes, Jour. Amer. Vet. Med. Assoc. 79 (N. S. 32): 236-240 (1931).

(d) The maximum serum dilution employed for the "O" antigen tube test must not exceed 1:25. In all official reports on the blood test the serum dilutions should be indicated. The sera should be introduced into the agglutination tubes in the desired amounts with well-cleaned serological pipettes or special serum delivery devices which do not permit the mixing of different sera. The antigen and serum should be well mixed before incubation. The serum and antigen mixture must be incubated for at least 20 hours at 37° C.

(e) The maximum serum dilution employed for the "H" antigen tube test must not exceed 1:25. In all official reports on the blood test the serum dilutions should be indicated. The serum and antigen mixture may be incubated at 45-50° C. in a water bath for 4 hours or at 37° C. for at least 20 hours.

(f) The results shall be recorded as:

N, or - (negative) when the serum antigen mixture remains uniformly turbid.

P, or + (positive) when there is a distinct clumping of the antigen, and the liquid between the agglutinated particles is clear.

S, or ? (suspicious) when the agglutination is only partial or incomplete.

M, or missing, when samples listed on the original record sheet are missing.

H, or hemolyzed, when blood samples are hemolyzed and cannot be tested.

B, or broken, when sample tubes are broken and no serum can be obtained.

SUBPART B—BACTERIOLOGICAL EXAMINATION PROCEDURE

§ 147.11 *Laboratory procedure recommended for the bacteriological examination of reactors.* (a) The pericardial sac, peritoneum, oviduct and any visibly pathological tissues should be cultured on beef extract agar or tryptose agar by means of sterile swabs. Sterile technique should be followed. (Primary culture of these organs in a suitable nutrient broth and transfer to a suitable nutrient agar is optional.)

(b) The following organs should be aseptically collected for culture:

(1) Heart (apex, pericardial sac, and contents if present);

(2) Liver (portions exhibiting lesions or in grossly normal organs the drained gall bladder and adjacent liver tissues);

(3) Ovary-Testes (entire inactive ovary or testes but if ovary is active use own judgment and include any atypical ova);

(4) Oviduct (if active include any debris and dehydrated ova);

(5) Pancreas; and

(6) Spleen.

(c) A composite sample of the organs listed in § 147.11 (b) should be ground in a sterile mortar or suitable blender. Individual organs may be used if desired. Nutrient broth should be added as a diluent. Ten cc. of this suspension should be inoculated into 100 cc. of either Selenite F broth or Tetrathionate broth and into 100 cc. of a suitable noninhibitory nutrient broth.

(d) After 24 hours incubation at 37° C. a loopful of the broth cultures from each flask should be streaked on a suitable noninhibitory solid medium such as tryptose agar and one of the following selective media: Salmonella-Shigella (SS), MacConkey, Brilliant Green, Bis-

moth Sulfite, or Desoxycholate Citrate Lactose Sucrose (D. C. L. S.) agar. (All of these media may be obtained in dehydrated form.) If no suspicious colonies are observed after 24 hours incubation the enrichment broths should be restreaked on solid media.

(e) A portion of the crop wall and intestine to include the cecal tonsils are put into either Selenite F or Tetrathionate broth and incubated for 24 hours at 37° C. Transfers should be made from the broth onto agar plates as indicated in § 147.11 (d).

(f) Suspicious single colonies should be subcultured on nutrient agar or triple sugar iron agar slants and incubated for 24 hours at 37° C.

(g) Cultures should be transferred to the following fermentable media for identification: dextrose, lactose, sucrose (saccharose), mannite (mannitol), maltose, dulcitol (dulcitol) and salicin broths. Suitable tests also should be conducted for the detection of indole, hydrogen sulfide, acetylmethylcarbinol, and urease production. Motility or nonmotility is demonstrated by inoculation of a suitable semisolid medium. For the Gram stain a 24 hour nutrient agar slant culture should be used.

(h) All Salmonella cultures isolated should be serologically typed.

SUBPART C—PROCEDURE FOR CHANGING NATIONAL POULTRY AND TURKEY IMPROVEMENT PLANS

§ 147.21 *Definitions.* Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

(a) *NPPI.* The National Poultry Improvement Plan.

(b) *NTIP.* The National Turkey Improvement Plan.

(c) *Department.* The United States Department of Agriculture.

(d) *AH Division.* The Animal Husbandry Research Division of the Agricultural Research Service of the Department.

(e) *State.* Any State, the District of Columbia, Alaska, Hawaii, or Puerto Rico.

(f) *USROP or ROP.* U. S. Record of Performance.

§ 147.22 *General.* Changes in this subchapter shall be made in accordance with the procedure described in this subpart; *Provided,* That the Department reserves the right to make changes in this subchapter without observance of such procedure, whenever, such action is deemed necessary in the public interest.

§ 147.23 *Submitting, compiling and distributing proposed changes.*

(a) Changes in this subchapter may be proposed by any participant, Official State Agency, the Department, or other interested person or industry organization.

(b) Except as provided in § 147.25 (d) (1), proposed changes shall be submitted in writing so as to reach the AH Division not later than 90 days prior to the opening date of the conference, and participants in a Plan shall submit their proposed changes through their Official State Agency.

(c) The name of the proponent shall be indicated on each proposed change when submitted. Each proposal should be accompanied by a brief supporting statement.

(d) The AH Division will notify all persons on the NPPI and NTIP mailing lists concerning the dates and general procedure of the conference. Hatchery, dealer and ROP participants will be reminded of their privilege to submit proposed changes and to request copies of all the published proposed changes.

(e) The proposed changes, together with the names of the proponents and supporting statements, will be compiled by the AH Division and issued in processed form. When two or more similar changes are submitted, the AH Division will endeavor to unify them into one proposal acceptable to each proponent. Copies will be distributed to State officials of the NPPI and NTIP and to ROP participants. Additional copies will be made available for meeting individual requests.

§ 147.24 *Official delegates.* Each State cooperating in the NPPI shall be entitled to one NPPI official delegate, and likewise, each State cooperating in the NTIP shall be entitled to one NTIP official delegate. The official delegates shall be elected by a representative group of participating industry members and be certified by the Official State Agency. It is recommended but not required that the NPPI official delegate be an NPPI participant. Each official delegate shall endeavor to obtain, prior to the conference, the recommendations of industry members of his State with respect to each proposed change.

§ 147.25 *General Conference Committee.* (a) The General Conference Committee shall consist of the Poultry Coordinator in Charge, National Poultry and Turkey Improvement Plans, AH Division, and one member to be elected from each of the following regions:

(1) North Atlantic: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

(2) South Atlantic: Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida.

(3) East North Central: Ohio, Indiana, Illinois, Michigan, and Wisconsin.

(4) West North Central: Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas.

(5) Western: Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, and California.

(6) South Central: Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas.

(b) The committee members will be elected by the NPPI and NTIP official delegates of the respective regions. Each region shall also elect one alternate member. There shall be at least two nominees for each position and the voting shall be by secret ballot.

(c) Three members shall be elected at each NPPI and NTIP Conference. At the 1954 conference, members were elected for 4-year terms for the North Atlantic,

East North Central, and Western regions; whereas members were elected for 2-year terms for the South Atlantic, West North Central, and South Central regions. Thereafter, each member of the committee shall serve for a period of 4 years and may not succeed himself.

(d) The duties of the General Conference Committee are as follows:

(1) Determine whether new proposals (i. e., proposals that have not been submitted as provided in § 147.23) may be considered. New proposals will be considered only with the unanimous consent of the committee.

(2) During the interim between conferences, the committee shall represent the cooperating States in:

(i) Reviewing and giving recommendations regarding the Department's report of changes and editing of this subchapter to include the changes.

(ii) Serving in an advisory capacity with respect to administrative procedures and interpretations of the provisions of this subchapter.

(iii) Recommending such administrative changes as may be necessitated by unforeseen conditions when postponement until the next conference would seriously impair the operation of the program. Such changes shall not affect the basic provisions of this subchapter and shall remain in effect only until confirmed or rejected by the next NPIP and NTIP Conference, or until rescinded by the committee;

(iv) Assisting the AH Division in formulating plans for the next conference.

§ 147.26 *Committee consideration of proposed changes.* (a) The following six committees shall be established to give preliminary consideration to the proposed changes, falling in their respective fields:

- (1) NPIP General Provisions.
- (2) NPIP Breeding.
- (3) NPIP Disease Control.
- (4) NTIP General Provisions.
- (5) NTIP Breeding.
- (6) NTIP Disease Control.

(b) Each official NPIP delegate shall be appointed a voting member in one of the committees specified in paragraph (a) (1), (2), and (3) of this section and each official NTIP delegate shall be appointed a voting member in one of the committees specified in paragraph (a) (4), (5), and (6) of this section.

(c) Since several of the proposals may be interrelated, the committees shall consider them as they may relate to others, and feel free to discuss related proposals with other committees.

(d) The committees shall make recommendations to the conference as a whole concerning each proposal. The committee report shall show any change in wording and the record of the vote on each proposal, and suggest an effective date for each proposal recommended for adoption. The individual committee reports shall be submitted to the chairman of the conference, who will combine them into one report showing, in numerical sequence, the committee recommendations on each proposal.

(e) The committee meetings shall be open to any interested person. Advocates for or against any proposal should

feel free to appear before the appropriate committee and present their views.

§ 147.27 *Conference consideration of proposed changes.* (a) The chairman of the conference shall be a representative of the Department.

(b) At the time designated for voting on proposed changes by the official delegates, the chairman of the General Conference Committee and the six committee chairmen shall sit at the speaker's table and assist the chairman of the Conference.

(c) Each committee chairman shall present the proposals which his committee approves or recommends for adoption as follows: "Mr. Chairman. The committee on NPIP General Provisions recommends the adoption of Proposal No. —, for the following reasons: I move the adoption of Proposal No. —." A second will then be called for. If the recommendation is seconded, discussion and a formal vote will follow.

(d) Each committee chairman shall present the proposals which his committee does not approve as follows: "Mr. Chairman. The committee on NPIP General Provisions does not approve Proposal No. —." The chairman will then ask if any official delegate wishes to move for the adoption of the proposal. If moved and seconded, the proposal is subject to discussion and vote. If there is no motion for approval, or if moved, but not seconded, there can be no discussion or vote and the proposal is thereby rejected.

(e) Discussion on any motion must be withheld until the motion has been properly seconded, except that the delegate making the motion is privileged, if he desires, to give reasons for his motion at the time of making it. To gain the floor for a motion or for discussion on a motion, the official delegate in the case of a motion, or anyone in case of discussion on a motion, shall rise, address the chair, give his name and State, and be recognized by the chair before proceeding further. While it is proper to accept motions only from official delegates and to limit voting only to such delegates, it is however, equally proper to accept discussion from anyone interested. To conserve time, discussion should be pointed and limited to the pertinent features of the motion.

(f) Proposals that have not been submitted in accordance with § 147.23 will be considered by the conference only with the unanimous consent of the General Conference Committee. Any such proposals must be referred to the appropriate committee for consideration before being presented for action by the conference.

(g) Voting will be by States and each cooperating State will be allowed one vote. Unless otherwise arranged, the NPIP official delegate shall cast his State's vote on changes affecting the NPIP, and the NTIP official delegate shall cast his State's vote on changes affecting the NTIP.

(h) A roll call of States for a recorded vote will be used when requested by a delegate or at the discretion of the chairman.

(i) All motions on proposed changes shall be for adoption.

(j) Proposed changes shall be adopted by a majority vote of the official delegates present and voting.

(k) The conference shall be open to any interested person.

§ 147.28 *Approval of conference recommendations by the Department.* Proposals adopted by the official delegates will be recommended to the Department for incorporation into the provisions of the NPIP and NTIP. The Department reserves the right to approve or disapprove the recommendations of the conference as an integral part of its sponsorship of the NPIP and NTIP.

Subchapter G—Animal Breeds

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

DEFINITIONS

Sec.	Definitions.
151.1	Definitions.
CERTIFICATION OF PUREBRED ANIMALS	
151.2	Issuance of a certificate of pure breeding.
151.3	Application for certificate of pure breeding.
151.4	Pedigree certificate.
151.5	Alteration of pedigree certificate.
151.6	Affidavit of identity.
151.7	Examination of animal.
151.8	Eligibility of an animal for certification.

RECOGNITION OF BREEDS AND BOOKS OF RECORD

151.9	Recognized breeds and books of record.
151.10	Recognition of additional breeds and books of record.

AUTHORITY: §§ 151.1 to 151.10 issued under par. 1606, sec. 201, 46 Stat. 673, as amended; 19 U. S. C. 1201, par. 1606.

DEFINITIONS

§ 151.1 *Definitions.* Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand. As used in this part, the following words, names, or terms shall have the meanings set forth in this section, unless otherwise clearly indicated by the context.

(a) *The act.* Paragraph 1606 of section 201 of the Tariff Act of 1930, as amended (19 U. S. C. 1201, Par. 1606 and P. L. 475, 80th Cong., 62 Stat. 161).

(b) *Department.* The United States Department of Agriculture.

(c) *Division.* The Animal Inspection and Quarantine Division of the Agricultural Research Service of the Department.

(d) *Director of the Division.* The Director of the Division or any officer or employee of the Division to whom authority has heretofore lawfully been delegated or to whom authority may hereafter lawfully be delegated to act in his stead.

(e) *Inspector.* An inspector of the Division or of the Bureau of Customs of the United States Treasury Department authorized to perform functions under the regulations in this part.

(f) *Animal.* Any purebred animal imported specially for breeding purposes except a black, silver, or platinum fox, or any fox which is a mutation or type developed therefrom.

(g) *Purebred.* A term applicable to animals which are the progeny of known and registered ancestors of the same recognized breed and for which at least three generations of ancestry can be traced: *Provided, however,* That in the case of sheep registered on the basis of flocks, the term is applicable to animals of a recognized breed which originate in a flock for which available breeding data, as shown in the registry association's records, establish that the flock has been in existence at least ten years.

(h) *Pedigree certificate.* A document issued by a registry association giving the pedigree of an animal and certifying that it is registered in the book of record of the association issuing the document, and containing all pertinent information relating to the registered animal, such as color and natural and artificial markings, a record of the name and address of the breeder, and the name and address of each subsequent owner of the animal.

(i) *Book of record.* A printed book sponsored by a registry association and containing breeding data relative to a large number of registered purebred animals used as a basis for the issuance of pedigree certificates.

(j) *Certificate of pure breeding.* A document issued by the Director of the Division to, and for the exclusive use of, the collector of customs, United States Treasury Department, certifying that the animal to which the document refers is a purebred animal of a recognized breed and duly registered in a book of record recognized under the regulations in this part for that breed.

(k) *Port of arrival.* The coastal or border port where animals first come into the United States.

(l) *Port of entry.* The port where customs entry is made for imported animals.

CERTIFICATION OF PUREBRED ANIMALS

§ 151.2 *Issuance of a certificate of pure breeding.* The Director of the Division will issue a certificate of pure breeding for an animal claimed to be entitled to free entry under the act provided the requirements of the regulations in this part are complied with. Such certificate will be issued to the collector of customs at the port of entry of the animal.

§ 151.3 *Application for certificate of pure breeding.* An application for a certificate of pure breeding executed by the importer of the animal or his agent may be made to the division after customs entry has been made, on forms furnished or approved by the division. Such an application shall show the surname of the importer and his given name, or initials, if any; the address (in the United States) of the importer; the number, breed, and sex, and port and date of arrival of the animal imported; the customs entry number of the importation, and the name of the vessel or other carrier by which shipped.

§ 151.4 *Pedigree certificate.* A pedigree certificate for an animal of a breed listed in § 151.9, issued by the custodian of the appropriate book of record listed in said section and on which there has been entered, in accordance with the rules of entry of the registry association,

a complete record of transfers of ownership from the breeder to and including the United States importer, or a complete record of transfers of ownership from the breeder to and including the person who owns the animal when it is imported into the United States and the name of the United States importer, shall be furnished by the importer or his agent to the inspector at the time of examination of the animal as provided in § 151.7. Following examination of the animal, the importer or his agent shall present the pedigree certificate to the Division at the time of making application for a certificate of pure breeding as provided in § 151.3. The Division will later return the document to the party who submitted it. A verbatim translation of the description relating to color and markings shall appear in English in the pedigree certificate for the animal or in a separate certificate appended to the pedigree certificate.

§ 151.5 *Alteration of pedigree certificate.* No pedigree certificate which in the opinion of the Director of the Division has been substantially altered will be accepted.

§ 151.6 *Affidavit of identity.* An affidavit by the owner, agent, or importer, duly acknowledged before an officer having authority to administer oaths, stating that the animal declared for free entry under the act is the identical animal described in the pedigree certificate, shall be furnished to the Division by the importer or his agent.

§ 151.7 *Examination of animal.* (a) For the purpose of determining identity, an examination shall be made by an inspector at the port of arrival of each animal for which free entry is claimed under the act.

(b) The importer or his agent shall provide adequate assistance and facilities for restraining and otherwise handling the animal and present it in such manner and under such conditions as in the opinion of the inspector will make a proper examination possible. Otherwise the examination of the animal will be refused or postponed by the inspector until the importer or his agent meets

these requirements at the port of arrival.

(c) A pedigree certificate, as required by § 151.4, shall be presented at the port of arrival of the animal to the inspector making the examination in order that proper identification of the animal may be made. Removal of the animal from the port of arrival prior to presentation of such pedigree certificate shall constitute a waiver of any further claim to certification under the regulations in this part.

§ 151.8 *Eligibility of an animal for certification.* To be eligible for certification under the act, an animal must be purebred of a recognized breed and have been registered in good faith in a book of record listed in § 151.9 and must not have been registered on inspection without regard to purity of breeding.

RECOGNITION OF BREEDS AND BOOKS OF RECORD

§ 151.9 *Recognized breeds and books of record.* Breeds of animals and books of record listed in paragraphs (a) and (b) of this section are hereby recognized. Recognition of such breeds and books of record will be continued, however, only if the books of record involved are kept by the custodians thereof in a form which is reasonably current in the opinion of the Director of the Division. Books of purebred registration shall be sent to the division at Washington 25, D. C., through the United States Government Despatch Agency, 45 Broadway, New York 6, New York, U. S. A., immediately following their publication.

(a) *Breeds and books of record in countries other than Canada.* Books of the registry associations listed below are recognized for the following breeds: *Provided,* That no Belted Galloway cattle, horse of Criolla, Fjordhest (formerly known as Westland), Holstein, Shetland Pony or Welsh Pony and Cob breed, dog or cat registered in any of the books named shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved, issued by the appropriate association listed below, is submitted for such animal.

CATTLE

Name of breed	Book of record	By whom published
Aberdeen-Angus	Aberdeen-Angus Herd Book	Aberdeen-Angus Cattle Society, Alexander Keith, secretary, 91 Union St., Aberdeen, Scotland.
Afriander	Afriander Cattle Herd Book	The Afriander Cattle Breeders' Society, under the supervision and authority of the South African Stud Book Association, E. L. Houseman, secretary, 40 Henry St., Bloemfontein, Union of South Africa.
Alderney	Herd Book of the Bailiwick of Guernsey (Alderney Branch)	Royal Alderney Agricultural Society (The Alderney Branch of the Royal Guernsey A. and H. Society), P. D. Sumner, secretary, The Bungalow, Butes, Alderney, Channel Isles.
Ayrshire	Ayrshire Herd Book	Ayrshire Cattle Herd Book Society of Great Britain and Ireland, John Graham, secretary, 1 Racecourse Rd., Ayr, Scotland.
Devon	Davy's Devon Herd Book	Devon Cattle Breeders' Society, Cyril Ernest Berry, secretary, 1 Mayfield Terrace, Wivelscombe, Somerset, England.
Dexter	Dexter Herd Book	Dexter Cattle Society, A. E. Richardson, secretary, Crabtree House, Lower Beeding, Horsham, Sussex, England.
Belted Galloway	The Belted Galloway Herd Book	The Belted Galloway Cattle Society, J. Campbell Laing, secretary, Galloway Estate Office, Newton Stewart, Wigtownshire, Scotland.
Galloway	Galloway Herd Book	Galloway Cattle Society of Great Britain and Ireland, Donald M. McQueen, secretary, 111 High St., Dumfries, Scotland.
Guernsey	English Guernsey Herd Book	English Guernsey Cattle Society, Col. T. M. Ker, secretary, 7 Cleveland Row, St. James's, London, S. W. 1, England.
Do	Herd Book of the Bailiwick of Guernsey (Guernsey Branch)	Royal Guernsey Agricultural and Horticultural Society, Ernest de Garis, secretary, States Arcade Balcony, St. Peter Port, Guernsey, Channel Isles.
Hereford	Herd Book of Hereford Cattle	Hereford Herd Book Society, R. J. Bentley, secretary, 3 Old St., Hereford, England.
Highland	Highland Herd Book	Highland Cattle Society of Scotland, Donald G. Noble, secretary, 17 York Pl., Perth, Scotland.

CATTLE—Continued

Name of breed	Book of record	By whom published
Holstein-Friesian	Friesch Rundvee Stamboek	Verspreider, "Het Friesch Rundvee Stamboek," Dr. H. G. A. Leers, Rijswijk, secretary, Zuidwillemsdijk 2-4-6, Leiden.
Do.	Nederlandsch Rundvee Stamboek	Verspreider, "Het Nederlandsch Rundvee Stamboek," H. W. J. Dekker, Chief Administrator, Stafvoorschriften 2-4-6, Groningen, The Netherlands.
Jersey	Jersey Herd Book	Royal Jersey Agricultural and Horticultural Society, H. C. Shepherd, secretary, 3 Mulcaster St., St. Helier, Jersey, Channel Isles.
Do.	English Jersey Herd Book	English Jersey Cattle Society, Edward Ashby, secretary, 19 Ravensbury Square, London, W. C. 1, England.
Kerry	British Kerry Cattle Herd Book	British Kerry Cattle Society, R. O. Hobbs, secretary, The Millstone, Skarwater Hill, Sturminster, Middlesex, England.
Do.	Kerry Cattle Herd Book	Royal Dublin Society, Horace H. Poole, registrar, Bull's Head, Dublin, Ireland.
Lincoln Red Shorthorn	Lincoln Red Shorthorn Herd Book	Lincoln Red Shorthorn Society, W. Dunaway, secretary, "Agricultural House," Park St., Lincoln, England.
Red Danish	Stambok over Køer af Rød Dansk Mallemose	De Samvirkende Danske Landboforeninger, A. Wolff Pedersen, secretary, Vindsgade 22, Odense, Denmark.
Red Poll	Red Poll Herd Book	Red Poll Cattle Society of Great Britain and Ireland, Inc., A. C. Barton, secretary, 22 Frimont St., Ipswich, Suffolk, England.
Shorthorn	Coates's Herd Book	Shorthorn Society of Great Britain and Ireland, Arthur Furze, secretary, Victoria House, Southampton Row, London, W. C. 1, England.
South Devon	Herd Book of South Devon Cattle	South Devon Herd Book Society, W. G. Turpin, secretary, 14 Sherborne Rd., Newton Abbot, Devon, England.
Sussex	Sussex Herd Book	Sussex Herd Book Society, A. G. Holland, secretary, 17 Devonshire St., London, W. 1, England.
Welsh	Welsh Black Cattle Herd Book	Welsh Black Cattle Society, G. Williams Edwards, secretary, 27 Market St., Carmarthen, Wales.

HORSES

Arabian	Arab Horse Stud Book	The Arab Horse Society, Col. R. O. de V. Adin, secretary, 35 Langham St., London, W. 1, England.
Do.	Polska Księga Stadna Koni, Arabicki Cyrsiel Kwi, General Stud Book	Towarzystwo Hodowli Konia Arabickiego, Dr. Edward Skorkowski, secretary, Krakow, Biskupia 4, Poland.
Do.	Wetherby & Sons, 15 Cavendish St., London, W. 1, England.	Wetherby & Sons, 15 Cavendish St., London, W. 1, England.
Do.	General Livestock Administration, The Ministry of Agriculture, Madrid, Spain.	General Livestock Administration, The Ministry of Agriculture, Madrid, Spain.
Do.	Ministerio de Hacienda de la Nación, Loteria de Beneficencia Nacional y Casino, Departamento de Hipodromos, Ricardo A. Maselli, Chief, Stud Book Argentina, Rivadavia 1555, Buenos Aires, Argentina.	Ministerio de Hacienda de la Nación, Loteria de Beneficencia Nacional y Casino, Departamento de Hipodromos, Ricardo A. Maselli, Chief, Stud Book Argentina, Rivadavia 1555, Buenos Aires, Argentina.
Do.	Commission du Studbook Français de Pur Sang, M. Massé, Inspector General, Chief, Service des Haras, Ministry of Agriculture, 78 rue de Valenciennes (7), Paris, France.	Commission du Studbook Français de Pur Sang, M. Massé, Inspector General, Chief, Service des Haras, Ministry of Agriculture, 78 rue de Valenciennes (7), Paris, France.
Do.	The Arabian Horse Club, Registry of America, Inc., Frank Wall, secretary, 111 W. Monroe St., Chicago 3, Ill.	The Arabian Horse Club, Registry of America, Inc., Frank Wall, secretary, 111 W. Monroe St., Chicago 3, Ill.
Belgian	Belgian	Société Royale "Le Cheval de Trait Belge," Edmond Bédier, general secretary, 43, rue de l'Écluse, Brussels, Belgium.
Cleveland Bay	Cleveland Bay Stud Book	Cleveland Bay Horse Society, Oswald Wellard, secretary, "Argyle" Box, Stables, Saltburn, Yorkshire, England.
Clydesdale	Clydesdale Stud Book	Clydesdale Horse Society of Great Britain & Ireland, Robert Jarvis, secretary, 95 Hope St., Glasgow, C. 2, Scotland.
Cornish	"Register Definitive" section of the Stud Book Argentina	Sociedad Rural Argentina, Enrique C. Frías, Florida 400, Buenos Aires, Argentina.
Fjordhest (formerly known as Westland)	Stambok over Fjordhest	Stavens Stambokforening, W. W. Christia, State Stud Book Registrar, Munkelivstuveveien 35 VI, Oslo, Norway.
Hackney	Hackney Stud Book	Hackney Horse Society, Robert F. Ling, secretary, 38 Langham St., London, W. 1, England.
Holstein	Holsteinsches Gestütbuch	Verband der Fuchse des Holsteiner Pferdes e. V., Elmhorn, Germany, Herr H. Hirschen, Secretary.
Percheron	British Percheron Stud Book	British Percheron Horse Society, A. E. Vye, secretary, Owen Webb House, Graham Road, Chatteris, Cambridgeshire, England.
Do.	Stud-Book Percheron de France	Société Hippique Percheronne de France, E. Kéroul, secretary, 7 rue Villeneuve-Glat, Nogent-le-Roi (E-4-4), France.

HORSES—Continued

Name of breed	Book of record	By whom published
Shetland Pony	Shetland Pony Stud-Book	Shetland Pony Stud-Book Society, Thomas H. F. Mylne, secretary, 6 George St., Perth, Scotland.
Shire	Shire Horse Stud Book	Shire Horse Society, A. G. Holland, secretary, 17 Devonshire St., London, W. 1, England.
Suffolk	Suffolk Stud-Book	Suffolk Horse Society, Raymond Kier, secretary, 6 Church St., Woodbridge, Suffolk, England.
Thoroughbred	Australian Stud Book	Australian Jockey Club and Victoria Racing Club, W. J. McFadden, Registrar of the Stud Book, 6 Bligh St., Sydney, N. S. W., Australia.
Do.	General Stud Book	Wetherby & Sons, 15 Cavendish St., London, W. 1, England.
Do.	Female Stud Book	The Jockey Club of Jamaica, Sir George Seymour Seymour, secretary, 10 Duke St., Kingston, Jamaica, B. W. I.
Do.	Stud Book de Chile	Club Hípico de Santiago, Alejandro Obolensky Dadian, secretary, San Antonio 23, Santiago, Chile.
Do.	New Zealand Stud Book	New Zealand Racing Conference, A. M. McBeath, secretary, Dominion Bids, Mercer and Wakefield Sts., Wellington, New Zealand.
Do.	Registre-Matricula de Caballos de Pura Sangre	General Livestock Administration, The Ministry of Agriculture, Madrid, Spain.
Do.	Stud Book Français des Chevaux de Pur Sang	Commission du Studbook Français de Pur Sang, M. Massé, Inspector General, Chief, Service des Haras, Ministry of Agriculture, 78 rue de Valenciennes (7), Paris, France.
Thoroughbred	Libro Genealogico del Cavall di Puro Sangue	Jockey Club Italiano, Comm. Gino Cavanaglia, secretary, Piazza Montecitorio 121, Rome, Italy.
Do.	Registre des Chevaux de Pur Sang	Jockey-Club de Belgique, L. Colonel Eire Ben J. van Zuylen van Nyevelt, secretary, 1 Rue Gilmard, Brussels 4, Belgium.
Do.	Stud Book Brasileiro	Jockey Club Brasileiro, Ricardo Xavier da Silveira, director, Av. Elie Bezerra, 197 Rio de Janeiro, Brazil.
Do.	Stud Book Peruanos	Jockey Club of Peru, Oscar Herkenmeyer P., president, Camana 280, Lima, Peru.
Do.	American Stud Book	The Jockey Club, Mrs. L. Brenna, registrar, 230 Park Ave., New York 17, N. Y.
Do.	(Recognition of this book will be restricted to Thoroughbreds imported as follows: (a) Horses bred or born in the United States; or (b) to a foreign country, and returned to this country; (c) horses bred or born in Great Britain, Northern Ireland, Eire, or France, whose pedigree traces wholly, or in part, to horses bred or born in the United States; or (d) horses from countries where a book of purebred registration for Thoroughbreds does not exist.)	Ministerio de Hacienda de la Nación, Loteria de Beneficencia Nacional y Casino, Departamento de Hipodromos, Ricardo A. Maselli, Chief, Stud Book Argentina, Rivadavia 1555, Buenos Aires, Argentina.
Welsh Pony and Cob	Welsh Stud Book	Welsh Pony & Cob Society, J. A. George, secretary, Office of the Royal Welsh Agricultural Society, Queen's Rd., Aberystwyth, Wales, Great Britain.

ASSES

Poleau	Jack and Janet Section of the Stud Book on Livre Genealogique des animaux Mulassiers du Peltou.	Société Centrale d'Agriculture des Deux-Sèvres, M. Marcel Moreau, president, 4 rue Villedu-Ros, Niort, France.
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SHEEP

Border Leicester	Border Leicester Flock Book	Society of Border Leicester Sheep Breeders, Robert Jarvis, secretary, 23 Hope St., Glasgow, C. 2, Scotland.
Cheriot	Cheriot Sheep Flock Book	Cheriot Sheep Society, Guy B. A. Manning, secretary, Commercial Bank Buildings, Hawick, Scotland.
Corriedale	The Flock Book for Corriedale Sheep in Australia	The Australian Corriedale Breeders, H. F. C. Woodhead, secretary, Temple Court, 422 Collins St., Melbourne, C. 1, Australia.
Do.	Corriedale Flock Book (New Zealand)	The Corriedale Sheep Society, Inc., C. H. Lawrence, secretary, 154 Hecford St., Christchurch, New Zealand.
Dorset Horn	Dorset Horn Flock Book	Dorset Horn Sheep Breeders' Association, E. F. B. Lucas, secretary, Black Chambers, Dorchester, Dorset, England.

SHEEP—Continued

Name of breed	Book of record	By whom published
Hampshire Down	Hampshire Down Sheep Breeders' Association, Mrs. W. Garrett, secretary, 23 Endless St., Salisbury, Wilt., England.	
Kent or Romney Marsh Flock Book	Kent or Romney Marsh Sheep Breeders' Association, G. W. Taylor, secretary, Dover Place, Ashford, Kent, England.	
Kerry Hill Flock Book	Kerry Hill (Wick) Flock Society, Alfred Marshall & Pook, secretaries, Newtown, Montgomeryshire, England.	
Leicester Flock Book	Leicester Sheep Breeders' Association, F. S. Atkinson, secretary, The Exchange, Exchange St., Driffield, E. Yorks., England.	
Lincoln	Lincoln Longwool Sheep Breeders' Association, Brian Shalley, secretary, 141 High St., Lincoln, England.	
Oxford Down	Oxford Down Sheep Breeders' Association, L. F. Deacon, secretary, 15 Fir Tree Walk, Weston Favell, Northampton, England.	
Romney Marsh	New Zealand Romney Marsh Sheep Breeders' Association, P. O. Box 111, Otago, secretary, 117 Kimbolton Rd., Folkestone, Kent, England.	
Ryeland	Ryeland Flock Book Society, Ltd., Guyne Hastings, secretary, 7 St. Nicholas, Ryeland, England.	
Shropshire	Shropshire Flock Book Society, Mrs. J. H. Mansell, secretary, College Hill, Shrewsbury, Shropshire, England.	
Southdown	Southdown Sheep Society, Inc., R. G. Nokes, secretary, 33 High St., Maidstone, Kent, England.	
Suffolk	Suffolk Sheep Society, Harry A. Byford, secretary, 42 Westgate St., Ipswich, England.	
Wendle	The Wendle Valley Longwool Sheep Breeders' Association, W. Dickinson, secretary, The Gardens, Ulverston, Lancashire, England.	
Various recognized breeds	New Zealand Sheep Breeders' Association, M. E. Lyons, secretary, P. O. Box 55, Christchurch, C. I., New Zealand.	
Do	The Australian Society of Breeders of British Sheep, H. T. O. Woodall, secretary, Temple Court, 422 Collins St., Melbourne, C. I., Australia.	

GOATS

Samson and Toggenburg	British Goat Society, Miss M. Y. Ragg, secretary, 114, Norfolk, England.
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HORSES

Irish Large White	Royal Dublin Society, Horace H. Poole, registrar, Ball's Bridge, Dublin, Ireland.
Berckshire	
Gloucestershire	
Old Spot	
Large Black	
Large White	
Middle White	
Tamworth	
Wendle	
Saddle	
Lock	

Irish Large White	National Pig Breeders' Association, R. F. Johnson, secretary, 10 Cavendish Road, Watford, Herts., England.
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DOGS

Boxer	Boxer Klub e. V., Sitz München, Heinrich Zimmermann, president, 28 Olfertstrasse, München 4, Germany.
Dachshund	Deutscher Teckelklub e. V., Josef Chateau, stock keeper, Deutscher Teckelklub, Münsterstrasse 7, Germany.
Foxhound	Deutscher Fuchsclub, Münsterstrasse 7, Germany.
Do	Deutscher Fuchsclub, Münsterstrasse 7, Germany.
German Shepherd	German Shepherd Dog Club, 100 W. 11th St., New York, N. Y., U. S. A.
Great Dane	Deutscher Danen Club, Richard Staudt, president, Sellages, Gießen, Hesse, Germany.
Greyhound	The American and New Zealand Greyhound Association, Robert John Maitland, 40 Collins St., Melbourne, C. I., Australia.

DOGS—Continued

Name of breed	Book of record	By whom published
Greyhound	Greyhound Stud Book	National Sporting Club, Sydney H. Dalton, secretary, 11 Baywater, London W. 1, England.
Do	Irish Greyhound Stud Book	Irish Sporting Club, Arthur J. Morris, secretary, Davis Road, Clonsilla, Dublin, Ireland.
Harrier and Beagle	Harrier and Beagle Stud Book	Association of Masters of Harriers and Beagles, J. Parke, Hon. secretary, 1 Little Haugh, Harrier's Station, England.
Retriever	Beagle-Zuchtbuch (Abteilung Retriever)	Deutscher Retriever-Klub, Mrs. Josefine Rabe, secretary, Stuttgart, Germany.
St. Bernard	Beagle-Zuchtbuch (Abteilung Retriever)	Deutscher Retriever-Klub, Mrs. Josefine Rabe, secretary, Stuttgart, Germany.
Various recognized breeds	Irish Kennel Club Stud Book	Irish Kennel Club, 23, Edin Quay, Dublin, C. I., Ireland.
Do	Kennel Club Stud Book	Kennel Club, 1, Finsbury, London, E. C. 2, England.
Do	Le Livre des Origines Françaises	Société Centrale Canine pour l'Amélioration des Races de Chiens en France, 10, Rue de Valenciennes, Paris 10, France.
Do	Le Livre des Origines de la Société Royale Saint-Hubert	Société Royale Saint-Hubert, 10, Rue de Valenciennes, Paris 10, France.
Do	Norsk Kennelklubs Stamboek	Norsk Kennel Klub, E. F. Gjerson, Jr., secretary, Skippersgaten 22, Oslo, Norway.
Do	Rechts-Zuchtbuch (Abteilung Fuchsbuch für Terrier & V. Schweitzerisches Hundestammbuch)	Rechts-Zuchtbuch, 10, Finsbury, London, E. C. 2, England.
Do	Svenska Kennelklubbens Stamboek	Svenska Kennelklubb, 10, Finsbury, London, E. C. 2, England.

CATS

Long-haired and short-haired	Register of the Governing Council of the Cat Fancy, 1 Roundwood Way, Banstead, Surrey, England.
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(b) Breeds and books of record in Canada—(1) Animals generally. The book of record of the Canadian National Live Stock Records, Ottawa, Canada, of which F. G. Hodgkin is Director, are recognized for the following breeds: Provided that no animals registered in the Canadian National Live Stock Records shall be certified under the act as purebred unless such animals trace only to animals which are proved to the satisfaction of the Division to be of the same breed. Provided further, That no Karakul sheep, Alpine goat, Nubian goat, or horse of the American Saddle Horse, Arabian, Canadian, Shetland Pony or Welsh Pony and Cob breed in Canada shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved, issued by the Canadian National Live Stock Records, is submitted for such animal.

Cattle	Sheep	Horses	Hogs	Goats
Aberdeen-Angus Ayrshire Brown Swiss Dairy Guernsey Jersey Holland Highland Irish Friesian Shorthorn Southdown Swedish Swiss Welsh	Blackhead Cheviot Cotswold Down Fleischschaff Horn Kerry Hill Lancashire Lincoln Merino Oxford Down Ramshead Southdown Swiss Welsh	American Saddle Horse Belgian Draft Canadian Clydesdale Hackney Shetland Pony Shire Standardbred Suffolk Thoroughbred Welsh Pony and Cob	Berkshire Chester White Duroc-Jersey Hampshire Large Black Poland China Tamworth Yorkshire	Alpine Angora Nubian Toggenburg

(2) *Holstein-Friesian cattle in Canada.* The Holstein-Friesian Association of Canada, Brantford, Ontario, Canada, of which G. M. Clemons is secretary and editor, is recognized for the Holstein-Friesian breed registered in the Holstein-Friesian Herd Book of that Association.

(3) *Dogs in Canada.* The Stud Book of the Canadian Kennel Club, Incorporated (Canadian National Live Stock Records) is recognized for all the breeds of dogs registered therein: *Provided*, That no dog so registered shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved, issued by the Canadian Kennel Club, Incorporated, is submitted for such dog.

§ 151.10 *Recognition of additional breeds and books of record.* Before a breed or a book of record shall be added to those listed in this part, the custodian of the book of record involved shall submit to the division a complete set of the published volumes of that book up to date of application, together with a copy of all rules and forms in force on said date affecting the registration of animals in said book.

Subchapter H—Voluntary Inspection and Certification Service

PART 155—CERTIFIED PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA; INSPECTION, CERTIFICATION, AND IDENTIFICATION AS TO CLASS, QUALITY, QUANTITY, AND CONDITION

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MULE MEAT AND MULE MEAT BY-PRODUCT

- 155.41 Antemortem and postmortem inspection for mules.
155.42 Marking of mule meat and mule meat by-product.

AUTHORITY: §§ 155.1 to 155.42 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624. Interpret or apply sec. 203, 60 Stat. 1087, as amended; 7 U. S. C. 1622.

DEFINITIONS

§ 155.1 *Meaning of words.* Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 155.2 *Terms defined.* When used in this part unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(a) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(b) "Division" means the Meat Inspection Division of the Agricultural Research Service of the United States Department of Agriculture.

(c) "Inspector in charge" means an inspector of the Division assigned to supervise and perform official work at an official station. Such inspector is assigned by and reports directly to the director of the division or other person designated by him.

(d) "Inspector" means an inspector of the division.

(e) "Inspected plant" means any plant preparing certified products for dogs, cats, or other carnivora, at which in-

spection is maintained under the regulations contained in this part.

(f) "Official station" means one or more inspected plants assigned to an inspector in charge.

(g) "32 percent component" means a product containing animal protein and other elements normal to the component for use in compounding a maintenance food for dogs, cats, and other carnivora.

(h) "Products" means the products for dogs, cats, and other carnivora marked, or to be marked, with the certification provided in this part.

(i) "Meat" means the U. S. inspected and passed and so identified clean, wholesome muscle tissue of cattle, sheep, swine, or goats which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus with or without the accompanying and overlying fat and the portions of skin, sinews, nerves, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing. It does not include the muscle found in the lips, snout, or ears.

(j) "Meat by-product" means the U. S. inspected and passed and so identified clean, wholesome part other than meat which has been derived from one or more cattle, sheep, swine, or goats.

(k) "Horse meat" means the U. S. inspected and passed and so identified clean, wholesome muscle tissue of horses which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat and the portions of sinews, nerves, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing.

(l) "Horse meat by-product" means the U. S. inspected and passed and so identified clean, wholesome part, other than horse meat, which has been derived from horses.

(m) "Mule meat" means the clean, sound, healthful, wholesome muscle tissue derived from mules as determined by antemortem and postmortem inspection by an inspector in accordance with § 155.41. It includes muscle tissue which is found in the tongue, in the diaphragm, in the heart or in the esophagus, with or without the accompanying and overlying fat and the portions of sinews, nerves, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing.

(n) "Mule meat by-product" means the clean, sound, healthful, wholesome part, other than mule meat, derived from mules as determined by antemortem and postmortem inspection by an inspector in accordance with § 155.41.

(o) "Bone" means the U. S. inspected and passed and so identified clean, wholesome bone which has been derived from cattle, sheep, swine, goats or horses, or bone derived from mules slaughtered and passed under Division inspection in accordance with § 155.41.

SCOPE OF INSPECTION SERVICE

§ 155.3 *Plants eligible for inspection.* Upon application, inspection may be granted at a plant where products are to be prepared, when the Director of the

Division has determined that the application conforms to and the plant meets with the requirements of this part.

APPLICATION FOR INSPECTION, CERTIFICATION, AND IDENTIFICATION

§ 155.4 *Application.* The owner or operator of any plant of the kind specified in § 155.3 may apply to the Director of the Division for inspection, certification, and identification. In cases of change of ownership or change of location, new applications shall be made.

§ 155.5 *Drawings.* Triplicate copies of complete drawings with specifications, consisting of floor plans showing the locations of such features as the principal pieces of equipment, floor drains, principal drainage lines, hand-washing basins, and hose connections for clean-up purposes; elevations; roof plans when necessary to show size and location of skylights and the like; cross and longitudinal sections of the various buildings, showing such features as principal pieces of equipment, heights of ceilings, conveyor rails, and character of floors, walls, and ceilings; and a plot plan showing relationship of various departments and structures of the plants, properly drawn to scale, shall accompany applications. Where complete approved drawings and specifications are available in the files of the Meat Inspection Division, Agricultural Research Service, U. S. Department of Agriculture, covering a plant operating under the supervision of that Division, it will not be necessary that drawings and specifications accompany an application made under this part for inspection at such plant.

§ 155.6 *Review of applications.* The Director of Division will determine whether applications shall be granted or refused.

INAUGURATION OF INSPECTION

§ 155.7 *Inauguration of inspection.* When an application for inspection, certification, and identification is granted, the inspector in charge shall, at or prior to the inauguration of inspection, inform the owner or operator of the plant of the requirements of the regulations contained in this part. Inspection shall not be begun if a plant is not in a sanitary condition. The applicant shall adopt and enforce all necessary measures and shall comply with all such directions as the inspector in charge may prescribe for carrying out the purposes of this part.

§ 155.8 *Official number.* To each plant granted inspection an official number shall be assigned. Such number shall be preceded by the letter "A" and used to identify all certified products prepared in the plant.

§ 155.9 *Numbers granted same ownership or control.* Two or more official plants under the same ownership or control may be granted the same official number, provided a serial letter is added after the number in each case to identify the plant.

§ 155.10 *Assignment of inspectors.* The Director of the Division shall designate an inspector in charge of the inspection at each official station and assign

to him such assistants as may be necessary.

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§ 155.11 *Charge for survey.* Applicants for the inspection, certification, and identification shall reimburse the department for salary, travel cost, per diem allowance, and the like, expended incidental to any survey of the premises for which the inspection is requested, and in connection with any review of plans which may be made.

§ 155.12 *Charge for service.* The fees to be charged and collected by the Administrator shall be in an amount sufficient to reimburse the Service for the cost of the inspection services so furnished.

SANITATION AND FACILITIES

§ 155.13 *Sanitation.* Sanitary facilities and accommodations shall be furnished by every inspected plant. Of these the following are specifically required:

(a) Dressing rooms, toilet rooms, and urinals shall be sufficient in number, ample in size, and conveniently located. They shall be properly lighted and ventilated and of sanitary construction. They shall be separate from the rooms and compartments in which certified products are prepared, stored or handled.

(b) Modern hand-washing basins, including running hot and cold water, soap and towels shall be placed in or near toilet rooms.

(c) Toilet soil lines shall be separate from house drainage lines to a point outside the buildings and drainage from toilet soil lines shall not be discharged into a grease catchbasin.

(d) Properly located facilities shall be provided for cleansing utensils and hands of all persons handling or preparing any products to be certified.

(e) Equipment and utensils used for preparing any products to be certified shall be of such material and construction as will make them susceptible of being readily and thoroughly cleaned.

(f) Trucks and receptacles used for inedible materials shall be of such construction as to permit ready and thorough cleansing, shall bear a conspicuous and distinctive mark, and shall be used exclusively for handling inedible material.

(g) Rooms, compartments, places, equipment and utensils used for preparing, storing or otherwise handling any certified products, and all other parts of the inspected plant, shall be kept clean. There shall be no handling or storing of materials which creates an objectionable condition in rooms, compartments or places where certified products are prepared, stored or otherwise handled.

§ 155.14 *Facilities.* Adequate facilities for the preparation and inspection of the products to be certified shall be furnished and maintained by the inspected plant. Of these the following are specifically required:

(a) A room or compartment adequately equipped for locking or sealing shall be provided for holding products prepared for certification or material used in their preparation which are identified as "U. S. retained," and such rooms

and compartments shall be conspicuously marked with the phrase "U. S. retained" prominently displayed.

(b) Adequate facilities, including denaturing materials, for the proper disposal of condemned articles including carcasses, parts of carcasses and other materials, shall be provided.

(c) Rooms or compartments adequate in size and properly equipped for holding samples of canned products prepared for certification under incubation, shall be maintained at the temperature specified in § 155.25 (1).

(d) Furnished office room, including light, heat, janitor, and laundry service shall be provided rent free for the exclusive use of the inspector. These facilities shall be set apart for this purpose and provided with lockers suitable for the protection and storage of division supplies. Laundering of inspectors' outer work clothing shall be provided by the management of inspected plants.

§ 155.15 *Inedible material operating and storage rooms; outer premises, docks, driveways, etc.; fly-breeding material; nuisances.* All operating and storage rooms and departments of inspected plants used for inedible material shall be maintained in clean condition, and shall be separate and apart from rooms and departments where certified products are prepared, handled, or stored. Docks and areas where cars and vehicles are loaded, and driveways, approaches and alleyways shall be properly paved and drained and the outer premises of every inspected plant shall be kept in clean and orderly condition. All catchbasins on the premises shall be of such construction and location and shall be given such attention as will insure their being kept in acceptable condition as regards odors and cleanliness. The accumulation on the premises of any material in which flies may breed, or the maintenance of any nuisance on the premises shall not be allowed.

§ 155.16 *Control of flies, rats, mice, etc.* Flies, rats, mice, and other vermin shall be excluded from inspected plants and premises.

§ 155.17 *Tagging equipment "U. S. rejected."* When necessary, inspectors shall attach a "U. S. rejected" tag to any equipment or utensil which is unclean or the use of which would be in conflict with the provisions of this part. No equipment or utensil so tagged shall again be used until made acceptable under this part and until removal of the tag. Such tag shall not be removed from the equipment or utensil by anyone other than an inspector.

§ 155.18 *Drawings and specifications to be furnished.* Triplicate copies of complete drawings and specifications for remodeling inspected plants or for new structures at such plants shall be submitted to the Director of the Division and approval obtained for the plans in advance of construction.

INSPECTION PROCEDURE

§ 155.19 *Inspector to be informed when plant operates.* The management of an inspected plant shall inform the

inspector or the inspector in charge when work in each department has been concluded for the day, and the day and hour when work will be resumed therein. There shall be no preparation of certified products at an inspected plant except under the supervision of an inspector.

§ 155.20 Inspector to have access to plant at all times. For the purpose of examination or inspection necessary to enforce any of the provisions of this part, inspectors shall have access at all times by day or night, whether the plant is being operated or not, to every part of an inspected plant.

§ 155.21 Products entering inspected plants. All products of a kind certified under this part or materials to be used in the preparation of such products when brought into an inspected plant shall be identified and inspected at the time of receipt and be subject to further inspection in such manner and at such time as may be deemed necessary. If, upon inspection, any such article is found to be unsound or otherwise unfit, it shall be handled as provided in § 155.28.

§ 155.22 Designation of place of receipt of returned products. Certified products returned to an inspected plant shall be received at a dock or place specifically designated for the purpose by the plant management with the approval of the inspector in charge. Such returned products shall be inspected there by the inspector before further entering the plant.

§ 155.23 Tagging products "U. S. retained." A "U. S. Retained" tag shall be placed by an inspector at the time of inspection on all certified products, materials to be used in the preparation of certified products, or containers thereof, whenever such certified products, materials, or containers are suspected of being unsound or otherwise unfit or not in conformity with the requirements contained in this part. Such tags so placed shall not be removed by anyone other than an inspector.

§ 155.24 Processes to be supervised. All processes used in the preparation of the certified products shall be supervised by an inspector. All steps in the process of manufacture shall be conducted carefully and with strict cleanliness. Inspected plants shall not prepare products of a kind certified under this part unless they conform with the regulations contained in this part.

§ 155.25 Canning with heat processing and hermetically sealed containers; closures; code marking; heat processing; incubation. (a) Containers shall be cleaned thoroughly immediately before filling, and precaution must be taken to avoid soiling the inner surfaces subsequently.

(b) The inside surfaces of containers of metal, glass, or other material shall be washed by spraying in an inverted position with running water at a temperature of at least 180° F. The container washing equipment shall be provided with a thermometer to register the temperature of the water used for cleaning the containers.

(c) Perfect closure is required for hermetically sealed containers. Heat processing shall follow promptly after closing.

(d) Careful inspection shall be made of the containers by competent plant employees immediately after closing, and containers which are defectively filled or defectively closed, or which show inadequate vacuum, shall not be further processed until the defect has been corrected. The containers shall again be inspected by plant employees when they have cooled sufficiently for handling after processing by heating. The contents of defective containers shall be condemned unless correction of the defect is accomplished within six hours following the sealing of the containers or completion of the heat processing, as the case may be, except that (1) if the defective condition is discovered during an afternoon run the cans of product may be held in coolers at a temperature not exceeding 38° F. under conditions that will promptly and effectively chill them until the following day when the defect may be corrected; and (2) short vacuum or overstuffed cans of products which have not been handled in accordance with the above may be incubated as provided in paragraph (i) of this section in the inspected plant under Division supervision, after which the cans shall be opened and the sound products passed.

(e) Canned products shall not be passed unless, after cooling to atmospheric temperature, they show the external characteristic of sound cans; that is, the cans shall not be overfilled, the ends of the cans shall be concave, there shall be no bulging of the cans, the sides and ends of the cans shall conform to the products, and there shall be no slack or loose tin in the cans.

(f) All canned products shall be plainly and permanently marked on the containers by code or otherwise with the identity of the contents and date of canning. The code used and its meaning shall be on record in the office of the inspector in charge before use.

(g) The canned products must be processed at such temperature and for such period of time as will assure keeping without refrigeration under usual conditions of storage and transportation as evidenced by the incubation test.

(h) Lots of canned products shall be identified during their handling preparatory to and during heat processing by tagging the baskets or cages in which the cans are being conveyed, with a tag which will change color on going through the heat processing or by other effective means so as to insure the proper channeling of the products for effective heat processing after closing the cans.

(i) Facilities shall be provided to incubate at least representative samples of the fully processed canned products. The incubation shall consist of holding the canned products for at least 10 days at about 98° F. The extent to which incubation tests shall be required by inspectors depends on conditions such as the record of the inspected plant in conducting canning operations, the extent to which the plant furnishes competent supervision and inspection in connection with the canning operations, the charac-

ter of the equipment used, and the degree to which such equipment is maintained at maximum efficiency. Such factors shall be considered by the inspector in charge in determining the extent of incubation testing at a particular plant. In the event of failure by an inspected plant to provide suitable facilities for incubation of test samples, the inspector in charge may require holding of the entire lot under such conditions and for such period of time as may, in his discretion, be necessary to establish the stability of the canned products. The inspector in charge may permit lots of canned certified products to be shipped from the inspected plant prior to completion of sample incubation when he has no reason to suspect unsoundness in the particular lots, and under circumstances which will assure the return of the products to the plant for inspection should such action be indicated by the incubation results.

§ 155.26 Samples of certified products, ingredients, etc., to be taken for examination. Samples of certified products, water, chemicals, flavorings or other articles in an inspected plant shall be taken without cost to the division for an examination as often as may be deemed necessary for the efficient conduct of the inspection. The frequency of sampling shall be determined by the needs of the inspection.

§ 155.27 Reports of violations of regulations. Inspectors shall report to the inspector in charge violations of or failures to conform with these regulations which occur at inspected plants, and the inspector in charge shall report the same to the Director of the Division.

DISPOSAL OF CONDEMNED MATERIAL

§ 155.28 Unfit material to be condemned. Subject to § 155.41, any certified products, or ingredients intended for use therein, which are decomposed or adulterated or otherwise unsound or unfit for use shall be condemned and destroyed, except that if the adulteration is such as will not preclude their legitimate use for some purpose other than the preparation of the certified products, they may be released by authorized inspectors for such other purpose for disposition under the supervision of the proper local, State, or Federal official. The operator of the inspected plant shall make such arrangement as may be necessary with the proper officials for the disposition of the article.

COMPOSITION OF CERTIFIED PRODUCTS

§ 155.29 Composition of canned certified maintenance food. (a) Only ingredients which are normal to canned food for dogs, cats, and other carnivora, or are favorable to adequate nutrition, and which are classed by the Director of the Division as conforming with requirements contained in this part shall be used in the preparation of certified maintenance food.

(b) Not less than 30 percent of meat or meat by-product or both, or of horse meat or horse meat by-product or both, or of mule meat or mule meat by-product or both, shall be used in the preparation of canned certified maintenance

LABELING

food. Upon specific approval of the Director of the Division, combinations of the above-specified ingredients may be used. The uncooked weight of the meat or meat by-product or both, or of the horse meat or horse meat by-product or both, or of the mule meat or mule meat by-product or both, or combinations thereof, shall be used in the calculation, and the percentage shall be obtained by relating this weight to the total weight of the certified maintenance food.

(c) Certified maintenance food shall contain not less than 10 percent of protein.

(d) Certified maintenance food shall contain a level of minerals and vitamins generally recognized to be essential to the nutritional value of the food.

(e) Vegetables and grains and their derivatives, used as ingredients of certified maintenance food, shall be of good quality, shall be free from discoloration, mold, smut, and insect infestation, and shall be otherwise sound and clean.

(f) Inedible material such as tankage, dried blood, bone meal, and the like shall not be used as ingredients of certified maintenance food.

§ 155.30 Composition of canned or fresh frozen certified 32 percent component. (a) Certified 32 percent component shall contain not less than 95 percent of meat or meat by-product or both, or of horse meat or horse meat by-product or both, or of mule meat or mule meat by-product or both. Upon specific approval of the Director of the Division, combinations of the above-specified ingredients may be used.

(b) Certified 32 percent component shall have added thereto a sufficient amount of fresh ground bone or other acceptable agent to satisfy the requirements of the regulations promulgated under the Meat Inspection Act (34 Stat. 1260), as amended (21 U. S. C. 71 et seq.), and the Horse Meat Act (41 Stat. 241; 21 U. S. C. 96), in order to insure decharacterization of the product for human food purposes.

(c) Certified 32 percent component may contain not more than 3 percent wheat flour or other processing aid acceptable to the Director of the Division, which shall be of good quality, shall be free from insect infestation, and shall be otherwise sound and clean.

(d) Certified 32 percent component shall contain no added moisture.

(e) Certified 32 percent component shall contain not less than 15 percent protein.

(f) Certified 32 percent component shall contain not less than 3 percent fat.

SUPERVISION

§ 155.31 Supervision by inspector. No container which bears or is to bear a label as provided for under this part shall be filled in whole or in part except with certified products which have been inspected in compliance with this part, which are sound, healthful, wholesome, and otherwise fit for dogs, cats, and other carnivora, and which are strictly in accordance with the statements on the label. No such container shall be filled in whole or in part and no such label shall be affixed thereto except under the supervision of an inspector.

§ 155.32 Labeling required. Each container of inspected and certified products shall have affixed thereto a label bearing the following information, prominently displayed:

(a) The name of the product, the ingredient statement, and the statement of certification, in the manner provided by subparagraphs (1), (2), and (3) of this paragraph in the case of canned certified maintenance food, and in the manner provided by subparagraphs (4), (5), and (6) of this paragraph in the case of canned or fresh frozen certified 32 percent component.

(1) The name of the canned certified maintenance food shall consist of words such as "dog food," "cat food," "dog and cat food," or "fox food," accompanied with such references to optional ingredients as may be required by the Director of the Division under this part.

(2) The word "ingredients," followed by a complete list of ingredients of the food in the order of their predominance and by their common or usual names, shall appear on the label with the name of the certified maintenance food.

(3) The statement of certification for canned certified maintenance food shall appear on the label in the form shown herewith, except that the plant number need not appear with the statement of



Plant A-

certification when such number is embossed on the sealed metal container as provided in § 155.33.

(4) The name of the canned or fresh frozen 32 percent component shall be the true name, such as "meat," "horse meat," etc., and there shall appear contiguous to the name of the product the name of the decharacterizing agent used, followed by the word "added," as, for example, "bone added."

(5) When wheat flour or other processing aid is added to the canned or fresh frozen 32 percent component, there shall appear on the label, with the name of the decharacterizing agent, in predominating order, the name of the processing aid, as, for example, "Wheat flour and bone added" or "Bone and wheat flour added."

(6) A statement of certification for canned or fresh frozen 32 percent component shall appear on the label in the form shown herewith, except that the plant number need not appear with the



Plant A-

statement of certification when such number is embossed on the sealed metal container as provided in § 155.33.

(b) A statement of the quantity of contents of the container, representing in terms of avoirdupois weight the quantity of product in the container.

(c) The name and place of business of the manufacturer, packer, or distributor. The name under which inspection is granted to a plant may appear without qualification on the label of a product prepared by that plant. When the certified product is not prepared by the person whose name appears on the label, the name shall be qualified by a phrase which reveals the connection such person has with the product as, for example, "Prepared for _____."

§ 155.33 Plant number to be embossed on metal containers. The official number assigned to an inspected plant under § 155.8 shall be embossed on all sealed metal containers of certified products filled in such plant, except that such containers which bear labels lithographed directly on the container and in which the plant number is incorporated need not have the plant number embossed thereon. Labels and embossed code identification shall be affixed so as not to obscure the embossed plant number.

§ 155.34 Labels, approval of, by Director of Division. (a) Except as provided in paragraph (c) of this section, no label shall be used on any container of certified products until it has been approved by the Director of the Division. For the convenience of the inspected plant, sketches or proofs of proposed labels may be submitted in triplicate through the inspector in charge to the Director of the Division for approval, and the preparation of the finished labels deferred until such approval is obtained. All finished labels shall be submitted in quadruplicate through the inspector in charge to the Director of the Division for approval. In the case of lithographed labels, paper take-offs in lieu of sections of the metal containers shall be submitted for approval. Such paper take-offs shall not be in the form of a negative but shall be a complete reproduction of the label as it will appear on the package, including any color scheme involved.

(b) Inserts, tags, liners, pasters, and like devices containing printed or graphic matter for use on, or to be placed within, containers and coverings of certified products shall be submitted for approval in the same manner as provided for labels in paragraph (a) of this section, except that inspectors in charge may permit the use of such devices if they contain no reference to the certified products and bear no misleading feature.

(c) Stencils, labels, box dies, and brands may be used on shipping containers, including tierces, barrels, drums, boxes, crates, and large-size fiberboard containers, without approval by the Director of the Division, provided the markings are applicable to the certified products, are not false or deceptive, and are used with the approval of the inspector in charge.

(d) No certified product and no container thereof shall be labeled with any false or deceptive term, and no state-

ment, word, picture, design, or device which conveys any false impression or gives any false indication of the origin, quality, or quantity of the product shall appear on any label.

§ 155.35 Label information to be displayed on principal panel. The label information required by § 155.32 shall be displayed on the principal panel or panels of the label except that label information other than the name of the product and the ingredient statement may be displayed on a panel immediately adjacent to the principal panel or panels if such supplemental panel consists of at least 20 percent of the label and is reserved exclusively for required labeling information.

§ 155.36 Obsolete labels. At least once each year, each inspected plant shall submit to the Director of the Division, in quadruplicate, a list of approvals for labels that have become obsolete, accompanied by a statement that such approvals are no longer desired. The approvals shall be identified by the number, the date of approval, and the name of the product.

§ 155.37 Alteration or imitation of statements of certification. The statements of certification provided for by § 155.32 (a) (3) and (6) shall not be altered, defaced, imitated, or simulated in any respect or used for the purpose of misrepresentation or deception.

PENALTIES

§ 155.38 Withdrawal of service. After opportunity for hearing before a proper official of the Department has been accorded the operator of an inspected plant, the inspection, certification, and identification provided for in this part may be withdrawn from such plant if the operator: (a) persistently fails to comply with any provision of the regulations in this part or of instructions or directions issued thereunder; (b) makes any willful misrepresentation or engages in any fraudulent or deceptive practice in connection with the making of any application for service; (c) violates § 155.37; or (d) interferes with or obstructs any division employee in the performance of his duties under the regulations in this part by intimidation, threats, or other improper means. Pending final determination of the matter, the Director of Division may suspend such inspection, certification, and identification without hearing in cases of willfulness or those in which the public health, interest, or safety requires such action. In other cases, prior to the institution of proceedings for any withdrawal or suspension, the facts or conduct which may warrant such action shall be called to the attention of the operator in writing and he shall be given an opportunity to demonstrate or achieve compliance with the requirements of the regulations in this part and instructions and directions issued thereunder.

APPEALS

§ 155.39 Appeals from decisions made under this part. Any appeal from a decision by an employee of the division shall be made to his immediate superior

having jurisdiction over the subject matter of the appeal.

REPORTS

§ 155.40 Plants to furnish information for reports. Each day the operator of every inspected plant shall furnish the inspector assigned to that plant with a statement of the number of pounds of product certified by the inspector.

MULE MEAT AND MULE MEAT BY-PRODUCT

§ 155.41 Antemortem and postmortem inspection for mules. (a) (1) An antemortem examination and inspection shall be made of all mules about to be slaughtered for use in the preparation of products under this part, before their slaughter shall be allowed for such use. Such inspection shall be made on the day of slaughter.

(2) Mules found on such inspection to show symptoms of disease shall be set apart and slaughtered separately. Those found to be affected with strangles, purpura hemorrhagica, azoturia, infectious equine encephalomyelitis, toxic encephalomyelitis (forage poisoning), infectious anemia (swamp fever), dourine, acute influenza, generalized osteoporosis, glanders, farcy, or other malignant disorder, acute inflammatory lameness or extensive fistula, shall be condemned and destroyed. Any mule which is suspected on antemortem inspection of being infected with glanders shall be tested with mallein, and any mule which on physical examination is suspected of being affected with dourine shall be held for further examination or for such test as the Director of the Division may prescribe.

(b) (1) A careful postmortem examination and inspection shall be made of all carcasses and parts thereof of all mules inspected under this section, at the time of slaughter. All carcasses and parts of mules found to be affected with any disease listed under paragraph (a) of this section shall be condemned and destroyed.

(2) Other carcasses and parts of mules found abnormal or diseased upon inspection under this section shall be disposed of in accordance with such provisions of the Meat Inspection Regulations (Subchapter A of this chapter) as are deemed applicable by the Director of the Division.

§ 155.42 Marking of mule meat and mule meat by-product. All mule meat and mule meat by-product inspected under this part shall be marked and identified as the Director of the Division may require in any particular case.

PART 156—INSPECTION AND CERTIFICATION OF ANIMAL BYPRODUCTS

- Sec. 156.1 Meaning of words.
- 156.2 Definitions.
- 156.3 Kind of service; records.
- 156.4 Application for service.
- 156.5 Availability of services.
- 156.6 Certificates.
- 156.7 Fees and charges.
- 156.8 Refusal of service; denial or withdrawal of service.

Authority: §§ 156.1 to 156.8 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624. Interpret or apply sec. 203, 60 Stat. 1087, as amended; 7 U. S. C. 1622.

§ 156.1 Meaning of words. Words used in this part in the singular form shall import the plural, and vice versa, as the case may demand.

§ 156.2 Definitions. For the purposes of this part, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *Department.* The United States Department of Agriculture.

(b) *Administrator.* The Administrator of the Agricultural Research Service of the Department, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(c) *Director.* The Director, Animal Inspection and Quarantine Division of the Agricultural Research Service of the Department, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) *Inspector.* Any officer or employee of the Department or cooperating agency authorized to perform any duties under a cooperative agreement at any plant furnished service under this part.

(e) *Inspector in charge.* An inspector of the Department assigned by the Director to supervise, review, and perform official work pertaining to a plant furnished service under this part.

(f) *Person.* Any individual, corporation, company, association, firm, partnership, society, joint stock company, or other form of organization.

(g) *Applicant.* Any person who requests service under this part.

(h) *Animal byproducts.* Any inedible part, or combination of inedible parts, of carcasses of livestock or poultry, processed by cooking, curing, drying, or other methods acceptable to the trade, including but not limited to tankage, blood meal, bones, bone meal, hides, skins, wool, and hair.

(i) *Cooperative agreement.* An agreement, between the Department and some other Federal or State agency, board of trade, chamber of commerce, or other agency, association, organization, person, or corporation as provided for in section 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1624), to conduct cooperatively service under this part.

§ 156.3 Kind of service; records. Laws, regulations or other requirements of foreign countries and specifications of contracts for the purchase and sale of animal byproducts, on occasion require vendors of such byproducts to furnish official certificates concerning the class, quality, quantity, or condition of such byproducts to be imported into such countries or to be delivered under the contracts. The service under this part, shall consist of the inspection of the processing, handling, and storage of the byproducts at any plant at which service is furnished and the certification, on the basis of such requirements of foreign countries or such contract specifications, of the class, quality, quantity, or condition of such of the byproducts as are found to conform to such requirements or

specifications as the case may be. Processing procedures will be actually supervised. The operator of the plant shall fully inform the inspector with respect to, and the inspector shall actually observe, the processing procedures, handling, and storage of the byproducts intended for certification. The inspector shall keep such records of the temperatures reached, the duration of time the temperatures are maintained, and the pounds of pressure under which the byproducts are cooked in the course of processing, and such other information, as are needed to justify the issuance of the certificates required.

§ 156.4 Application for service. Any person who is eligible under a cooperative agreement to receive service under this part may apply therefor to the Director, upon an application form which will be furnished by the Director upon request. The application form shall require the applicant to state, among other things, the forms of certificates desired.

§ 156.5 Availability of service. Subject to § 156.8, service under this part will be furnished, upon application, within the limits of available Department personnel and facilities, at any plant the operator of which applies for or endorses the application for the service if the Director finds that: the forms of certificates desired by the applicant require the certification of class, quality, quantity, or condition; the plant and its methods of processing, handling and storage of the byproducts intended for certification are adequate to warrant the issuance of the desired certificates; service is to be furnished under a cooperative agreement; and the requirements of § 156.7 are met.

§ 156.6 Certificates. The inspector shall sign and issue certificates in forms approved by the Director for animal byproducts inspected in accordance with this part, if he finds that the requirements as stated in the certification have been met. The original and one copy of each certificate shall be furnished to the applicant, and one copy of each certificate shall be retained by the Department until disposal is authorized in accordance with law. Additional copies may be furnished the applicant at his request upon payment of the fees prescribed in § 156.7. Copies of the certificates may be furnished without charge to other properly interested Federal agencies or under compulsory process.

§ 156.7 Fees and charges. Fees and charges for service (including travel and other expenses incurred in connection with the furnishing of service) under this part shall be paid by the applicant in accordance with the terms of the cooperative agreement under which service is furnished and in accordance with this section which shall be deemed to be incorporated in such agreement. If required by the Administrator, the fees and charges shall be paid in advance. Since the fees and charges are for the purpose of reimbursing the Department for all costs incurred in connection with the furnishing of service under this part, the appropriate fees and charges to cover

any such costs shall be paid even though service is withheld pursuant to § 156.8.

§ 156.8 Refusal of service; denial or withdrawal of service. (a) Service under this part will be refused if the conditions stated in §§ 156.5 and 156.6 are not met.

(b) Service under this part may be withdrawn from, or denied to, any applicant by the Administrator, for such period as the Administrator may prescribe, when the Administrator is satisfied, after opportunity for hearing before a proper official has been accorded the applicant, that the applicant or other operator of the plant where service has been or would be furnished under the application, or the agent or employee of such applicant or operator within the scope of his employment, has persistently failed to give the inspector full and correct information with respect to the processing procedures, handling, and storage of animal byproducts intended for certification or certified; or has given to any employee of the Department false information in connection with service under this part; or has altered or imitated any certificate, mark, or device provided for under this part; or has used any such certificate, mark, or device without authority from the Director, or any imitation of any such certificate, mark, or device, on or with respect to any animal byproducts; or has knowingly and without promptly notifying the Director retained possession of any such device or imitation thereof or altered or imitation certificate or of any animal byproducts marked with any such device without authority from the Director or marked with any imitation of such device; or has given or attempted to give, for any purpose whatsoever, any money, favor, or other thing of value, to any employee of the Department authorized to perform any function under this part; or has interfered with or obstructed, or attempted to interfere with or to obstruct, any employee of the Department in or with respect to the performance of his duties under this part by intimidation, threats, assaults, or any other improper means. The inspector assigned to any plant may suspend service at such plant for any of the reasons set forth in this paragraph, without hearing, and in that event shall report his actions to the Director, and the Director may continue such suspension or otherwise deny or suspend service at any plant for any of such reasons, without hearing, pending final disposal of the matter under this paragraph.

(c) All final orders in any proceeding to deny or withdraw the service for any of the reasons set forth in paragraph (b) of this section (except orders required for good cause to be held confidential and not cited as precedents) shall be filed with the Hearing Clerk of the Department and be available to public inspection.

NOTE: The reporting and record keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Subchapter I—Fur Bearing Animals PART 160—ALASKA FUR FARMING REGULATIONS

Sec.
160.1 Definition of terms.
160.2 Licenses of fur farmers.
160.3 Duties of fur farmers.

AUTHORITY: §§ 160.1 to 160.3 issued under sec. 9, 43 Stat. 743, as amended; 48 U. S. C. 198. Interpret or apply sec. 2, 60 Stat. 127; 7 U. S. C. 434.

§ 160.1 Definition of terms. For the purpose of this part, unless the context otherwise clearly indicates:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Commission" means the Alaska Game Commission, as created by the act of January 13, 1925, 43 Stat. 740, and amended by the act of July 1, 1943, 57 Stat. 303.

(c) "Territory" means the Territory of Alaska.

(d) "Person" in the singular or plural, as the case demands, includes individuals, associations, partnerships and corporations.

(e) "Fur farming" means the business of breeding, raising, or producing fur animals in captivity and the marketing of such animals or their products. The word "captivity" means having the fur animals under positive control, as in a pen or within an area of land or water which is completely enclosed by a generally escape-proof barrier.

§ 160.2 Licenses of fur farmers. (a) Every person engaged in fur farming shall procure a license annually, and upon request shall produce said license for inspection by all authorized agents of the United States or the Commission.

(b) The cost of said license shall be \$2.00.

(c) Each application for a license shall be addressed to the Alaska Game Commission at Juneau, Alaska, and shall be made on a form prescribed by the Commission and accompanied by a bank draft or an express or postal money order payable to the Treasurer of the United States for the amount of the license fee.

(d) The license shall be issued pursuant to Subdivision I, Section 10 of the Alaska Game Law by the executive officer of the Commission through wildlife agents and other persons authorized by him in writing to sell such licenses.

§ 160.3 Duties of fur farmers. Each person carrying on fur farming shall, at all reasonable hours, allow any member or authorized employee of the Commission or any authorized employee of the United States to enter and inspect the premises where operations are being carried on as a fur farm, and to inspect the books and records relating thereto. Each person engaged in fur farming shall submit annually a written report on a form furnished by the Commission stating the numbers and kinds of fur animals farmed, the numbers and kinds of live animals or skins or pelts thereof

bought or sold, and the methods of fur farming employed.

Subchapter J—Process or Renovated Butter

PART 171—SANITARY INSPECTION OF PROCESS OR RENOVATED BUTTER

SUPERVISORY OFFICIAL

- Sec. 171.1 Director of Meat Inspection Division charged with administration of regulations in this part.

DEFINITIONS

- 171.2 Department.
171.2a Secretary.
171.3 Division.
171.4 Director of Division.
171.5 Inspector.
171.6 Person.
171.7 Butter.
171.8 Process or renovated butter.
171.9 Process or renovated butter act.
171.10 Process or renovated butter factory.

MAINTENANCE OF INSPECTION AND ACCESS TO PREMISES

- 171.11 Maintenance of sanitary inspections of premises and products.
171.12 Access to factory premises, etc., for inspection purposes.

SANITARY REQUIREMENTS FOR PROCESS OR RENOVATED BUTTER FACTORIES

- 171.13 Factories, storehouses, etc., to be kept sanitary and separate.
171.14 Lighting, screening, ventilating, and draining.
171.15 Care of floors, ceilings, walls, partitions, etc.
171.16 Equipment.
171.17 Sanitary pumps, pipes, and fittings required.
171.18 Cleanliness of employees and of clothing worn.
171.19 Communicable diseases of employees.
171.20 Lavatories, toilets, and dressing rooms; location and equipment.
171.21 Freedom from objectionable odors and substances.

SANITARY REQUIREMENTS FOR PROCESS OR RENOVATED BUTTER, AND FOR INGREDIENTS INTENDED FOR USE IN ITS MANUFACTURE

- 171.22 Requirements for containers of ingredients.
171.23 Pure, clean water and ice to be used.
171.24 Pure, clean air to be used; approved equipment for purifying air required.
171.25 Pasteurization of mixtures and emulsions; approved recording dairy thermometers required.
171.26 Butter must be melted, clarified, etc., at factory under supervision of inspector.
171.27 Process or renovated butter and ingredients must be kept, stored, and handled in a sanitary manner.
171.28 All containers must be kept and stored in a sanitary manner.

INSPECTION STANDARDS FOR PROCESS OR RENOVATED BUTTER, AND FOR INGREDIENTS INTENDED FOR USE IN ITS MANUFACTURE

- 171.29 Process or renovated butter, and prospective ingredients thereof, found to be putrid and decomposed, or to be rancid, etc.
171.30 Process or renovated butter, and prospective ingredients thereof, found to contain any avian animal, etc., including immature stages or parts thereof, or excrement therefrom; destruction or denaturation required.

- Sec. 171.31 Process or renovated butter, and prospective ingredients thereof, found to contain any insect, or other animal, not referred to in § 171.30, including immature stages or parts thereof, or excrement therefrom; extent of destruction or denaturation required.
171.32 Prospective ingredients found to contain any visible mold, etc.; extent of destruction or denaturation required.
171.33 Identification of process or renovated butter, and of ingredients intended for use in its manufacture, which have passed inspection.
171.34 Destruction or denaturation of condemned process or renovated butter, and of condemned prospective ingredients.
171.35 Storage and safekeeping of any lot of process or renovated butter, and of any lot of ingredients intended for use in its manufacture, pending further inspection of such lot.
171.36 Reinspections.
171.37 Ingredients must be inspected and passed prior to use in manufacturing.

MARKING, LABELING, AND BRANDING OF PROCESS OR RENOVATED BUTTER

- 171.38 Statutory packages.
171.39 Cartons, wrappers, and other containers.
171.40 Net weight requirements; pictorial misrepresentations prohibited.
171.41 Surface impressions.
171.42 Marks, etc., requiring approval.
171.43 Evidence of approval.

PENALTIES

- 171.44 Forgery, etc., of marks, stamps, labels, or tags.
171.45 False or misleading statements on wrappers, labels, cartons, or containers.
171.46 Transportation of process or renovated butter which has not been inspected and passed, and properly marked, labeled, and branded.
171.47 Maximum penalty for violation.

REPORTS

- 171.48 Work reports.
171.49 Furnishing of information.
171.50 Reports of violations.

WITHDRAWALS OF INSPECTIONS

- 171.51 Withdrawals of inspections.

OFFICE SPACE

- 171.52 Furnishing of office space, etc., to inspectors.

REVIEW OF DECISIONS

- 171.53 Review of inspector's decisions.

AUTHORITY: §§ 171.1 to 171.53 issued under sec. 4817, 68A Stat. 573; 26 U. S. C. 4817.

SUPERVISORY OFFICIAL

§ 171.1 *Director of Meat Inspection Division charged with administration of regulations in this part.* The Director of the Meat Inspection Division, Agricultural Research Service, United States Department of Agriculture, is charged with the administration of the regulations in this part.

DEFINITIONS

§ 171.2 *Department.* The United States Department of Agriculture.

§ 171.2a *Secretary.* "Secretary" means the Secretary of Agriculture of

the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 171.3 *Division.* The Meat Inspection Division, Agricultural Research Service, United States Department of Agriculture.

§ 171.4 *Director of Division.* The administrative head of the Division.

§ 171.5 *Inspector.* Any officer or other employee of the Division who is authorized or directed to make any inspection in connection with the administration of the regulations in this part.

§ 171.6 *Person.* Any natural person, a corporation, a partnership, a company, a trust or estate, a joint-stock company, an association, or other unincorporated organization or group. It includes a guardian, committee, trustee, executor, administrator, trustee in bankruptcy, receiver, assignee for the benefit of creditors, conservator, or any person acting in a fiduciary capacity.

§ 171.7 *Butter.* The food product usually known as butter which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter.

§ 171.8 *Process or renovated butter.* Butter which has been subjected to any process by which it is melted, clarified, or refined, and made to resemble butter as defined in § 171.7, excepting "adulterated butter" as defined in 26 U. S. C. 2320 (b).

§ 171.9 *Process or renovated butter act.* The act of Congress approved June 24, 1946, entitled "An act to authorize the condemnation of materials which are intended for use in process or renovated butter and which are unfit for human consumption, and for other purposes" (60 Stat. 300; Pub. Law 427, 79th Cong.).

§ 171.10 *Process or renovated butter factory.* One or more plants, storehouses, and other premises where process or renovated butter is manufactured (either in whole or in part), packaged, stored, or otherwise handled, and all premises where ingredients intended for use therein are stored, which are operated under the same management and so long as they are considered to be on the same bonded premises by, and are covered under the same bond in that connection to, the Internal Revenue Service, United States Treasury Department: *Provided,* That, if any such manufacturing operation is conducted as aforesaid in part at a plant at one location and in part at a plant at another location, all ingredients handled, including (but not limited to) butter oil, shall be used exclusively by that bonded manufacturer at his factory in the manufacture of process or renovated butter.

MAINTENANCE OF INSPECTION AND ACCESS TO PREMISES

§ 171.11 *Maintenance of sanitary inspections of premises and products.* Inspection will be maintained at each

process or renovated butter factory and the premises connected therewith during all periods of its operation. The factory management shall give the inspector reasonable advance notice of any change in its usual operating hours.

§ 171.12 *Access to factory premises, etc., for inspection purposes.* The inspector shall have full and free access at all times to every part of any process or renovated butter factory, and to all other premises and grounds used in connection therewith.

SANITARY REQUIREMENTS FOR PROCESS OR RENOVATED BUTTER FACTORIES

§ 171.13 *Factories, storehouses, etc., to be kept sanitary and separate.* All factories, storehouses, and other premises where process or renovated butter is manufactured, packaged, stored, or otherwise handled, and all premises where ingredients intended for use therein are stored, shall be used exclusively for such purposes, shall be separated by solid walls or partitions from any premises used for other purposes, and shall be maintained in a sanitary condition: *Provided, however,* That butter oil may be stored under seal in commercial cold storage warehouses.

§ 171.14 *Lighting, screening, ventilating, and draining.* All factories, storehouses, and other premises where process or renovated butter is manufactured, packaged, stored, or otherwise handled, and all premises where ingredients intended for use therein are stored, shall be suitably lighted, screened, and ventilated. All such premises shall also be provided with adequate drains, which shall be properly trapped and sewer connected. Rooms shall be kept reasonably free from steam and other vapors.

§ 171.15 *Care of floors, ceilings, walls, partitions, etc.* All parts of any premises where process or renovated butter is manufactured, packaged, stored, or otherwise handled, and all premises where ingredients intended for use therein are stored, including, but not limited to, the floors, ceilings, walls, pillars, partitions, platforms, and stairways of such premises, shall be kept clean, and shall be scraped, washed, painted, or otherwise treated as required by the inspector. When any part of the premises, or any equipment, becomes so old or in such condition that it cannot readily be kept clean and sanitary, it shall be replaced. Walks, platforms, and other approaches to all such premises shall be kept clean.

§ 171.16 *Equipment.* All melting tanks, cans, vats, blowing tanks, and settling tanks and equipment used in preparing, cutting, chopping, and otherwise handling the ingredients used in the manufacture of process or renovated butter, shall be made of a noncorrosive metal, or shall be suitably nicked, tinned, or coated with other noncorrosive metal. All such equipment and all churns, butter workers, trucks, trays, and other receptacles, chutes, platforms, racks, tables, and all other utensils, machinery, and equipment used in the packaging, storing, or other handling of

process or renovated butter, shall be kept in a clean and sanitary condition.

§ 171.17 *Sanitary pumps, pipes, and fittings required.* All pumps, pipes, and fittings used for conveying or conducting milk, skim milk, cream, mixtures containing milk or cream, or butter oil shall be of the so-called sanitary types. Specifically: (a) The pumps shall be so constructed that all parts with which milk, skim milk, cream, mixtures containing milk or cream, or butter oil, come into contact shall be made of a non-corrosive metal, or shall be suitably nicked, tinned, or coated with other non-corrosive metal, and all such parts shall be readily accessible for cleaning; (b) all pipes shall have smooth outer and inner surfaces coated with nickel, tin, or other non-corrosive metal; and (c) all fittings shall have smooth outer and inner surfaces coated with nickel, tin, or other non-corrosive metal, and shall be of such design that there are no pockets or recesses on the inside. All pumps, pipes, and fittings shall be kept in a sanitary condition, and shall, after the completion of each daily operation, be disassembled and thoroughly washed and sterilized before being reassembled and used again.

§ 171.18 *Cleanliness of employees and of clothing worn.* All employees or other persons who handle process or renovated butter, or any ingredient entering into its manufacture, shall be required to keep themselves clean, particularly their hands, and signs to that effect shall be posted in conspicuous places in the manufacturing room and elsewhere on the premises as conditions require. Aprons, smocks, and other outer clothing worn by employees or other persons who handle, or in any way come in contact with process or renovated butter, or with any ingredient entering into its manufacture, shall be of materials that may be made sanitary by washing, and only clean garments shall be worn. Boots and shoes shall be kept reasonably clean.

§ 171.19 *Communicable diseases of employees.* No person affected with any infectious, contagious, or other communicable disease, or who is a carrier thereof, shall be employed in any factory where process or renovated butter is manufactured, packaged, stored, or otherwise handled, and any employee suspected of being so affected shall be reported by the inspector to the factory management and to the Director of Division.

§ 171.20 *Lavatories, toilets, and dressing rooms; location and equipment.* All lavatories, toilets, and dressing rooms shall be separate and distinct from the rooms in which process or renovated butter is manufactured, packaged, stored, or otherwise handled, as well as from rooms in which ingredients intended for use in the manufacture of process or renovated butter are stored; and where any such lavatory, toilet, or dressing room opens into a room used for any of the aforesaid purposes it shall be provided with automatically closing doors. Such lavatories, toilets, and dressing rooms shall also be conveniently located, sufficient in number (including

separate facilities for women where both sexes are employed), adequate in size, and fitted with appropriate accommodations, including toilet paper, individual paper towels, soap, and running hot and cold water, and shall be properly lighted, suitably ventilated, and kept clean and sanitary.

§ 171.21 *Freedom from objectionable odors and substances.* All premises in which process or renovated butter is manufactured, packaged, stored, or otherwise handled, and all premises in which ingredients intended for use in the manufacture thereof are stored, shall be kept free from objectionable odors coming from poultry rooms, egg rooms, drains, sewers, or other source. Every practicable precaution, including the use of appropriate sprays, traps, etc., shall be taken to exclude all organic or inorganic foreign substances, particularly flies, rats, mice, and other vermin, from such premises.

SANITARY REQUIREMENTS FOR PROCESS OR RENOVATED BUTTER, AND FOR INGREDIENTS INTENDED FOR USE IN ITS MANUFACTURE

§ 171.22 *Requirements for containers of ingredients.* In order to safeguard the purity and fitness of butter, butter oil, milk, and other ingredients for use in the manufacture of process or renovated butter, no manufacturer shall accept delivery of butter unless, at the time of such receipt, it is packed in a container which is constructed of: (a) Non-corrosive metal; (b) a corrosive metal which has been coated with some non-corrosive metal or lacquer; (c) wood which is tightly fitted together, parchment lined, and tightly headed; or (d) viscose or plastic. Such containers shall be equipped with tightly fitted covers or a closing device, and shall be kept covered or closed at all times. Containers constructed of materials mentioned in paragraph (a) or (b) of this section shall have smooth inner surfaces without pockets or recesses. Every container of butter shall be cleaned and dried thoroughly before it is used again. Butter received in a process or renovated butter factory in a container which does not meet the requirements of this section shall be denatured or destroyed in accordance with the provisions of § 171.34, as shall also butter received in containers which are deemed to be unfit for use as such containers because of the presence of rust, because they had not been cleaned properly, or had been improperly used. Milk, nonfat dry milk solids, and other ingredients, except butter, shall be deemed to be fit for use in the manufacture of process butter if the containers thereof are so designed as to afford proper protection of the contents thereof, provided such ingredients are otherwise eligible for such use.

§ 171.23 *Pure, clean water and ice to be used.* Only pure, clean water and ice shall be used in the manufacture of process or renovated butter. When there is any doubt on the part of the inspector regarding the purity of the ice or water supply, he shall report the facts to the factory management and to the Director of Division.

§ 171.24 *Pure, clean air to be used; approved equipment for purifying air required.* Air used in aerating butter oil in connection with the manufacture of process or renovated butter shall be pure and clean and free from contamination of any kind.

§ 171.25 *Pasteurization of mixtures and emulsions; approved recording dairy thermometers required.* Every mixture or emulsion made from milk, skim milk, or cream (either in liquid or powdered form) and butter oil shall be properly pasteurized before it is used in the manufacture of process or renovated butter. A recording dairy thermometer shall be provided and used to facilitate determinations of proper pasteurization.

§ 171.26 *Butter must be melted, clarified, etc., at factory under supervision of inspector.* No butter shall be used in the manufacture of process or renovated butter unless the melting, clarifying, refining, and other processing of it has been done at a process or renovated butter factory under the supervision of an inspector: *Provided*, That butter melted by the original farmer-producer thereof and placed and stored by him in a container meeting the specifications prescribed in § 171.23 which is sold to a process or renovated butter manufacturer (either directly or through a designated representative of such manufacturer) may be used by such manufacturer in the manufacture of process or renovated butter, if it is otherwise eligible for such use: *And provided further*, That butter oil which is produced at one plant of a process or renovated butter factory may be transported to and used in the manufacture of process or renovated butter at another plant of the same factory if (a) said butter oil is transported between the two plants under seal, and (b) prior to the production of such butter oil all ingredients used in such production were inspected and passed pursuant to the requirements of this part.

§ 171.27 *Process or renovated butter and ingredients must be kept, stored, and handled in a sanitary manner.* All milk, skim milk, or cream (in either liquid or powdered form), and all butter, butter oil, and other ingredients intended to be used in the manufacture of process or renovated butter, as well as all process or renovated butter, shall be kept, stored and handled in a sanitary manner.

§ 171.28 *All containers must be kept and stored in a sanitary manner.* All cartons, packages, tubs, cans, tins, wrappers, liners, or other containers intended for use in the packaging of process or renovated butter shall be kept and stored in a sanitary manner.

INSPECTION STANDARDS FOR PROCESS OR RENOVATED BUTTER, AND FOR INGREDIENTS INTENDED FOR USE IN ITS MANUFACTURE

§ 171.29 *Process or renovated butter, and prospective ingredients thereof, found to be putrid and decomposed, or to be rancid, etc.* Any butter, butter oil, milk, or other ingredient intended for use in the manufacture of process or renovated butter which, upon inspection, is found to be putrid or decomposed shall

be deemed to be unfit for such use. Any butter, butter oil, milk, or other ingredient intended for use in the manufacture of process or renovated butter which, upon inspection, is found to be rancid, cheesy, bleached, oxidized, or otherwise deteriorated to an extent which cannot be removed by any generally recognized processing method shall also be deemed to be unfit for such use. The inspector shall mark the container "U. S. Inspected and Condemned," and all of the contents of such container shall be denatured or destroyed, by or under the supervision of an inspector, in accordance with the provisions of § 171.34. The provisions of this section shall also apply to any churning or other lot of process or renovated butter.

§ 171.30 *Process or renovated butter, and prospective ingredients thereof, found to contain any avian animal, etc., including immature stages or parts thereof, or excrement therefrom; destruction or denaturation required.* Any butter, butter oil, milk, or other ingredient intended for use in the manufacture of process or renovated butter which, upon inspection, is found to contain any avian, reptilian, mammalian, amphibian, or piscine animal, or any cockroach, flea, louse, or fly, or any other insect or animal not specifically mentioned, including immature stages or parts thereof, or any excrement therefrom, shall be deemed to be unfit for such use. The inspector shall mark the container "U. S. Inspected and Condemned," and all of the contents of such container shall be denatured or destroyed by or under the supervision of an inspector in accordance with the provisions of § 171.34. The provisions of this section shall also apply to any churning or other lot of process or renovated butter.

§ 171.31 *Process or renovated butter, and prospective ingredients thereof, found to contain any insect, or other animal, not referred to in § 171.30, including immature stages or parts thereof, or excrement therefrom; extent of destruction or denaturation required.* Any portion of any butter, butter oil, milk, or other ingredient intended for use in the manufacture of process or renovated butter which, upon inspection, is found to contain any insect, or other animal not specifically referred to in § 171.30, including immature stages or parts thereof, or any excrement therefrom, shall be deemed to be unfit for such use, and such infested portion shall be removed therefrom and placed in a container marked "U. S. Inspected and Condemned," and shall be denatured or destroyed by or under the supervision of an inspector in accordance with the provisions of § 171.34. In determining the portion to be so condemned and denatured or destroyed, the following rules shall govern: (a) If the infestation is of such a local character that it may be removed and still leave a remaining portion which is unaffected, such unaffected portion may be passed for human food after the removal and the condemnation of the infested portion; (b) however, if the infestation is of such a general character that the complete extirpation thereof would be

difficult and uncertainly accomplished, all of the contents of such container shall be condemned and denatured or destroyed as aforesaid. The provisions of this section shall also apply to any churning or other lot of process or renovated butter.

§ 171.32 *Prospective ingredients found to contain any visible mold, etc.; extent of destruction or denaturation required.* Any portion of any butter, butter oil, milk, or other ingredient intended for use in the manufacture of process or renovated butter which, upon inspection, is found to contain any visible mold, bits of wood or metal (including scrapings), dirt, dust, or other debris, shall be deemed to be unfit for such use, and such contaminated portion shall be removed therefrom and placed in a container marked "U. S. Inspected and Condemned," and shall be denatured or destroyed, by or under the supervision of an inspector, in accordance with the provisions of § 171.34. In determining the portion which shall be condemned and denatured or destroyed, the following rules shall govern: (a) If the contaminated portion is of such a local character that it may be removed and still leave a remaining portion which is unaffected, such unaffected portion may be passed for human food after the removal and condemnation of the contaminated portion; (b) however, if the contamination is of such general character that the extirpation thereof would be difficult and uncertainly accomplished, all of the contents of such container shall be condemned and denatured or destroyed as aforesaid. The provisions of this section shall also apply to any churning or other lot of process or renovated butter.

§ 171.33 *Identification of process or renovated butter, and of ingredients intended for use in its manufacture, which have passed inspection.* All butter, butter oil, milk, and other ingredients intended for use in the manufacture of process or renovated butter, or portions thereof, which, after final inspection, are not condemned, pursuant to the provisions contained in §§ 171.29, 171.30, 171.31 or 171.32, shall be considered to be fit for such use, and the containers thereof shall be marked "U. S. Inspected and Passed." All process or renovated butter which, after final inspection, is not condemned, pursuant to the provisions contained in §§ 171.29, 171.30, 171.31 or 171.32, shall be deemed to be clean, wholesome, healthful, and otherwise fit for human food, and the containers thereof shall be marked "U. S. Inspected and Passed."

§ 171.34 *Destruction or denaturation of condemned process or renovated butter, and of condemned prospective ingredients.* Each lot of condemned process or renovated butter, and each lot of condemned butter, butter oil, milk, or other ingredient which was intended for use in the manufacture of process or renovated butter, shall be either destroyed or denatured, at the option of the process or renovated butter manufacturer, by or under the supervision of an inspector. Any such destruction shall be accomplished either by burning,

or by dumping in a sewer, whichever method the inspector may deem to be the most expedient, practicable, and effective to accomplish the desired purpose. Any such denaturation shall be accomplished by the addition to each 100 parts of the condemned portion of either (a) three parts of rosin oil, (b) one-fourth part of pyridin, (c) four parts of aniline oil, (d) six parts of dark colored oleic acid, or (e) one and one-half parts of kerosene, and the thorough mixing of such denaturant with such condemned portion. Every such denaturation shall be by, or under the supervision of, an inspector, and the denaturant used in each instance shall be furnished by, and at the expense of, the particular process or renovated butter manufacturer.

§ 171.35 *Storage and safekeeping of any lot of process or renovated butter, and of any lot of ingredients intended for use in its manufacture, pending further inspection of such lot.* If any lot of process or renovated butter, or any lot of butter, butter oil, milk, or other ingredient intended for use in the manufacture of process or renovated butter, upon inspection, does not plainly show, but is suspected of being affected with any infestation or contamination which, under the provisions of the regulations in this part, may cause condemnation, in whole or in part, the container of such lot shall be so marked by the inspector as to preserve its identity as a suspect requiring further inspection, and it shall be placed in a separate room or rooms, which room or rooms shall be securely locked, and the keys to which shall be in the custody of an inspector.

§ 171.36 *Reinspections.* Any process or renovated butter, even though it has previously been inspected and passed, may be reinspected by an inspector as often as he may deem it necessary to determine whether it is clean, wholesome, healthful, and otherwise fit for human food. Any butter, butter oil, milk, or other ingredient intended for use in the manufacture of process or renovated butter may, even though it has previously been inspected and passed, be reinspected by an inspector as often as he may deem it necessary to determine whether it is fit for such use.

§ 171.37 *Ingredients must be inspected and passed prior to use in manufacturing.* No ingredient of any kind shall be used in the manufacture of process or renovated butter unless and until it has been inspected and passed for that purpose by an inspector.

MARKING, LABELING, AND BRANDING OF PROCESS OR RENOVATED BUTTER

§ 171.38 *Statutory packages.* Each package of process or renovated butter shall have legibly printed or stenciled on one of its sides the words "Process Butter," also the factory number, district, and State and the net weight, in the following manner:

Process Butter
Factory No. 2, 2d Dist., New York
Net Weight, 60 Lbs.

The words "Process Butter" shall be in bold-face gothic letters, not less than

three-quarters of an inch square, and the other words and figures shall be not less than one-half an inch square. The color of such words and figures shall be in strong contrast to the color of the package. No container of bulk-packed process or renovated butter, and no container of two or more cartons or prints of process or renovated butter shall be removed from the factory unless and until each such container, as well as each such carton or print, is stamped "U. S. Inspected and Passed" by the inspector.

§ 171.39 *Cartons, wrappers, and other containers.* Each of the cartons, wrappers, and other containers in which prints or rolls of process or renovated butter are placed shall be branded on one panel with the words "Process Butter" in bold-face gothic letters not less than three-eighths of an inch square. The color of such printed or stenciled words shall be in strong contrast to the color of the wrapper or carton. No other marks shall be placed on the panel of the carton, wrapper, or other container on which such words are branded, except the words "U. S. Inspected and Passed."

§ 171.40 *Net weight requirements; pictorial misrepresentations prohibited.* Each carton, wrapper, or other container in which prints or rolls of process or renovated butter are placed, shall show the manufacturer's name and address, or the factory number, district, and State, and shall bear a plain and conspicuous statement of the net weight of the contents. Such cartons, wrappers, or other containers shall bear no pictorial, or other representation, which may create the impression that the article therein contained is other than process or renovated butter.

§ 171.41 *Surface impressions.* The top surface of solid-packed process or renovated butter shall be imprinted with the words "Process Butter" in plain gothic letters not less than one-half an inch square, and such words shall be impressed at least one-eighth of an inch deep. Prints and rolls of process or renovated butter shall be similarly impressed with letters not less than three-eighths of an inch square. The surface impression may be omitted from prints and rolls of a pound unit weight, or less, if there is compliance with all other requirements.

§ 171.42 *Marks, etc., requiring approval.* With the exception of shipping marks, any marks, brands, or labels, other than those prescribed by the regulations in this part, shall be approved by the Director of Division before they are used on packages, cartons, wrappers, or other containers of process or renovated butter. Triplicate copies of proposed new labels, cartons, or wrappers, in the form of sketches, proofs, or photographic copies, shall be transmitted through inspectors to the Director of Division for approval. After such labels, cartons, or wrappers have been printed, lithographed, or embossed in accordance with approved sketches or proofs, three of each of such labels, cartons, or wrappers shall be submitted through inspectors for final approval and filing.

Stocks of packages, cartons, wrappers, or other containers shall not be acquired prior to such final approval.

§ 171.43 *Evidence of approval.* Approved copies of all labels, cartons, or wrappers shall be retained in the manufacturers' registered place of business, and kept available for inspection by representatives of the United States Department of Agriculture.

PENALTIES

§ 171.44 *Forgery, etc., of marks, stamps, labels, or tags.* No person shall forge, counterfeit, simulate, falsely represent, detach, or knowingly alter, deface, or destroy, or use without proper authority, any of the marks, stamps, labels, or tags provided for in the regulations in this part for use on process or renovated butter, or on wrappers, packages, containers, or cases in which the product is contained, or any certificate in relation thereto.

§ 171.45 *False or misleading statements on wrappers, labels, cartons, or containers.* No statement that is false or misleading in any particular shall be placed on or affixed to any wrapper, label, carton, or container of process or renovated butter.

§ 171.46 *Transportation of process or renovated butter which has not been inspected and passed, and properly marked, labeled, and branded.* No person shall transport, or offer for transportation, or sell, or offer for sale, in interstate or foreign commerce, or in commerce affecting commerce among the States, any process or renovated butter that has not been inspected and passed, and marked, labeled, and branded in accordance with the provisions contained in the regulations in this part.

§ 171.47 *Maximum penalty for violation.* Any person who violates any provision of the process or renovated butter act, including, but not limited to, any provision set forth in §§ 171.44, 171.45, or 171.46, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than \$1,000 or by imprisonment of not more than six months, or by both such fine and imprisonment.

REPORTS

§ 171.48 *Work reports.* Reports of the work carried on in each process or renovated butter factory shall be submitted to the Division by the inspector assigned to such factory at such times, on such forms, and in such manner as may be specified by the Director of Division.

§ 171.49 *Furnishing of information.* Each manufacturer of process or renovated butter shall furnish an inspector, upon request therefor, with accurate information in regard to his manufacturing operations.

§ 171.50 *Reports of violations.* Every inspector shall report promptly to the Director of Division the facts and circumstances respecting any known or suspected violation of the process or

renovated butter act, or of the regulations in this part.

WITHDRAWALS OF INSPECTIONS

§ 171.51 *Withdrawals of inspections.* In any case in which the Director of Division determines that the sanitary conditions existing in any process or renovated butter factory do not meet any of the standards prescribed in §§ 171.13 to 171.28, inclusive, he shall cause inspection to be withdrawn from such factory: *Provided*, That, except in cases where the Director of Division determines that a violation was willful or endangered the public health or safety, no such withdrawal action shall be made effective unless and until the facts or conduct which the Director of Division believes may warrant such action have been called to the attention of the manufacturer in writing, and such manufacturer has been accorded an adequate opportunity to demonstrate compliance with all of such standards. In any case in which the Director of Division determines that any manufacturer of process or renovated butter has failed to comply with any provision of the regulations in this

part, other than any of those set forth in §§ 171.13 to 171.28, inclusive, the Director of Division is authorized, in his discretion, to withdraw inspection from such manufacturer's factory: *Provided*, That, except in cases where the Director of Division determines that a violation was willful or endangered the public health or safety, no such withdrawal action shall be made effective unless and until the facts or conduct which the Director of Division believes may warrant such action have been called to the attention of the manufacturer in writing, and such manufacturer has been accorded an adequate opportunity to demonstrate or achieve compliance with all such provisions. Every such withdrawal of inspection shall remain effective for such period of time as the Director of Division may order, except that in no event shall inspection be resumed in any factory from which inspection was withdrawn for failure to meet any standard prescribed in §§ 171.13 to 171.28, inclusive, unless or until it appears, to the satisfaction of the Director of Division, that all requirements prescribed in such sections are being met.

OFFICE SPACE

§ 171.52 *Furnishing of office space, etc., to inspectors.* Properly and adequately furnished office space, including light, heat, and janitor service, shall be provided, without expense to the division, for the use of inspectors.

REVIEW OF DECISIONS

§ 171.53 *Review of inspector's decisions.* Any person who is dissatisfied with the decision of any inspector with respect to any matter covered in the regulations in this part may, by making written request to the Director of Division therefor, obtain a review of such decision by the Director of Division, whose decision shall be final. However, nothing contained in this section shall be construed to deny or abridge the power of the Director of Division to make decisions originally, whenever he shall deem it advisable to do so, with regard to any matter covered in the regulations in this part.

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